TITLE 24—HOSPITALS AND ASYLUMS

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CHAPTER 1—NAVY HOSPITALS, NAVAL HOME, ARMY AND NAVY HOSPITAL, AND HOSPITAL RELIEF FOR SEAMEN AND OTHERS

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Cross References

Third party tort liability to United States for hospital and medical care, see section 2651 et seq. of Title 42, The Public Health and Welfare.

§§ 1, 2. Repealed. July 1, 1944, ch. 373, title XIII, § 1313, 58 Stat. 714

Section 1, acts Mar. 3, 1875, ch. 156, § 3, 18 Stat. 485; Aug. 14, 1912, ch. 288, § 1, 37 Stat. 309, which defined word seamen, is now covered by section 201 of Title 42, The Public Health and Welfare.

Section 2, R.S. § 4801, which provided for the acceptance of gifts in aid of marine hospitals, is now covered by section 219 of Title 42.

Renumbering or Repealing Act

Section 611 of act July 1, 1944, which repealed these sections, was renumbered 711 by act Aug. 13, 1946, ch. 958, § 5, 60 Stat. 1049, 713 by act Feb. 28, 1948, ch. 83, § 9(b), 62 Stat. 47, 813 by act July 30, 1956, ch. 779, § 3(b), 70 Stat. 720, 913 by Pub. L. 88-581, § 4(b), Sept. 4, 1964, 78 Stat. 919, 1013 by Pub. L. 89-239, § 3(b), Oct. 6, 1965, 79 Stat. 931, 1113 by Pub. L. 91-572, § 6(b), Dec. 24, 1970, 84 Stat. 1506, 1213 by Pub. L. 92-294, § 3(b), May 16, 1972, 86 Stat. 137; 1313 by Pub. L. 93-154, § 2(b)(2), Nov. 16, 1973, 87 Stat. 604, and was repealed by Pub. L. 93-222, § 7(b), Dec. 29, 1973, 87 Stat. 936.

§§ 3 to 5. Repealed. June 15, 1943, ch. 125, § 3, 57 Stat. 153, eff. July 1, 1943

Section 3, R.S. §§ 1614, 4808, related to deduction from pay of seamen for Navy hospital fund.

Section 4, R.S. § 4809, related to fines on seamen appropriated for Navy hospitals.

Section 5, act June 7, 1900, ch. 859, 31 Stat. 697, related to forfeitures from desertion for naval hospital fund.

§ 6. Pension paid to fund for benefit of naval hospital

Whenever any officer, seaman, or marine entitled to a pension is admitted to a naval hospital, his pension, while he remains there, shall be deducted from his accounts and paid to the Secretary of the Navy for the benefit of the fund from which such hospital is maintained.

(R.S. § 4813; May 4, 1898, ch. 234, 30 Stat. 377; Mar. 3, 1899, ch. 421, 30 Stat. 1027; June 30, 1914, ch. 130, 38 Stat. 398.)

Codification

R.S. § 4813 was from act Feb. 26, 1811, ch. 26, § 5, 2 Stat. 650.

§ 6a. Disposition of amounts deducted from pensions

Pensions of inmates of a naval home or naval hospital, required by law prior to July 1, 1943, to be deducted from the account of the pensioner and applied for the benefit of the fund from which such home or hospital is maintained, shall be deposited into the Treasury of the United States as miscellaneous receipts.

(June 15, 1943, ch. 125, § 3, 57 Stat. 153.)

EFFECTIVE DATE

Section 3 of act June 15, 1943, provided in part that this section shall be effective July 1, 1943.

CROSS REFERENCES

Deduction of pension, see section 6 of this title.

§§ 7 to 12. Repealed. July 1, 1944, ch. 373, title XIII, § 1313, 58 Stat. 714

Section 7, R.S. § 4806; acts Mar. 3, 1875, ch. 156, § 4, 18 Stat. 485; Aug. 14, 1912, ch. 288, § 1, 37 Stat. 309; July 26, 1916, ch. 256, 39 Stat. 390; 1939 Reorg. Plan No. I, §§ 201, 205(b), eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1424, 1425, which provided for the lease and sale of hospitals, is now covered by section 248 of Title 42, The Public Health and Welfare.

Section 8, acts Aug. 4, 1894, ch. 213, 28 Stat. 229; Jan. 28, 1915, ch. 20, § 2, 38 Stat. 801; July 30, 1937, ch. 545, § 2, 50 Stat. 548; 1939 Reorg. Plan No. I, §§ 201, 205(b), eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1424, 1425, which provided for the admission of Coast Guard personnel and their families to hospitals is now covered by section 253 of Title 42. Act Jan. 28, 1915, ch. 20, § 2, 38 Stat. 801 was also repealed by act Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561.

Section 9, act June 23, 1913, ch. 3, § 1, 38 Stat. 24, which provided for hospital relief of officers and employees of the Public Health Service, is now covered by sections 249 and 253 of Title 42.

Section 10, act July 1, 1918, ch. 113, § 1, 40 Stat. 694, which provided for hospital relief for officers and crews of the Fish and Wildlife Service, is now covered by section 249 of Title 42.

Section 11, acts Mar. 3, 1875, ch. 156, § 6, 18 Stat. 486; Aug. 14, 1912, ch. 288, § 1, 37 Stat. 309; 1939 Reorg. Plan No. I, §§ 201, 205(b), eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1424, 1425, which provided for the care of foreign seamen, is now covered by section 249 of Title 42.

Section 11a, R.S. § 4805; acts Mar. 3, 1875, ch. 156, § 6, 18 Stat. 486; 1939 Reorg. Plan No. I, §§ 201, 205(b), eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1424, 1425, which provided that foreign vessels were liable for hospital charges for care of their seamen, is now covered by section 249 of Title 42.

Section 12, R.S. § 4804, which provided for the exclusion of employees on canal boats in coasting trade from hospital care, is now covered by section 249 of Title 42.

RENUMBERING OF REPEALING ACT

For renumbering of act July 1, 1944, which repealed these sections, see note set out under sections 1, 2 of this title.

§ 13. Admission of cases for study

There may be admitted into marine hospitals for study persons with infectious or other diseases affecting the public health, and not to exceed ten cases in any one hospital at one time.

(June 5, 1920, ch. 235, § 1, 41 Stat. 884.)

§ 14. Establishment of Navy hospitals

The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site, shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions, when the funds permit and circumstances require; and shall provide, at one of the establishments, a permanent asylum for disabled and decrepit Navy officers, seamen, and marines: *Provided*, That no sites shall be procured or hospital buildings erected or extensions to existing hospitals made unless authorized by Congress.

(R.S. § 4810; Mar. 4, 1913, ch. 148, 37 Stat. 902.)

CODIFICATION

R.S. § 4810 was from acts Feb. 26, 1811, ch. 26, § 3, 2 Stat. 650; July 10, 1832, ch. 194, § 5, 4 Stat. 573.

§ 14a. Annual appropriations for maintenance, operation, and improvement of naval hospitals

Commencing with the fiscal year 1944, annual appropriations in such amounts as may be necessary are authorized from the general fund of the Treasury for the maintenance, operation, and improvement of naval hospitals.

(June 15, 1943, ch. 125, § 1(c), 57 Stat. 152.)

§ 15. Superintendence of Navy hospitals

The Secretary of the Navy shall have the general charge and superintendence of Navy hospitals.

(R.S. § 4807.)

CODIFICATION

R.S. § 4807 was from acts Feb. 26, 1811, ch. 26, § 1, 2 Stat. 650; July 10, 1832, ch. 194, § 5, 4 Stat. 573.

§ 16. Allowance of rations to Navy hospitals

For every Navy officer, seaman, or marine admitted into a Navy hospital, the institution shall be allowed one ration per day during his continuance therein, to be deducted from the account of the United States with such officer, seaman, or marine.

(R.S. § 4812.)

CODIFICATION

R.S. § 4812 was from act Feb. 26, 1811, ch. 26, § 5, 2 Stat. 650.

CROSS REFERENCES

Naval patients, deductions for care in other Government hospitals, see section 6201 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 6201.

§ 16a. Additional personnel for patients of Veterans' Administration in naval hospitals

On and after May 29, 1945, additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Administration in naval hospitals, may be employed in addition to the numbers annually appropriated for.

(May 29, 1945, ch. 130, § 1, 59 Stat. 208.)

CODIFICATION

Section is from act May 29, 1945, popularly known as the Naval Appropriation Act, 1946.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:
June 22, 1944, ch. 269, § 1, 58 Stat. 308.
June 26, 1943, ch. 147, § 1, 57 Stat. 204.

§ 17. Government of Naval Asylum

The asylum for disabled and decrepit Navy officers, seamen, and marines shall be governed in accordance with the rules and regulations prescribed by the Secretary of the Navy.

(R.S. § 4811.)

CODIFICATION

R.S. § 4811 was from act Feb. 26, 1811, ch. 26, § 4, 2 Stat. 650.

§ 18. Rules and regulations for Army and Navy Hospital

The Army and Navy hospital at Hot Springs, Arkansas, shall be subject to such rules, regulations, and restrictions as shall be provided by the President of the United States and shall remain under the jurisdiction and control of the Department of the Army.

(June 30, 1882, ch. 254, § 1, 22 Stat. 121; June 18, 1930, ch. 525, § 2, 46 Stat. 781.)

AMENDMENTS

1930—Act June 18, 1930, provided that the hospital was to be subject to the jurisdiction and control of the Department of War.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. Section 1 of act Aug. 10, 1956 enacted "Title 10, Armed Forces", which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

EX. ORD. NO. 10272. DELEGATION OF AUTHORITY TO THE SECRETARY OF THE ARMY

Ex. Ord. No. 10272, July 10, 1951, 16 F.R. 6711, provided:

By virtue of the authority vested in me by section 1 of the act of August 8, 1950, c. 646, 64 Stat. 419 [section 301 of Title 3 The President], and as President of the United States, it is hereby ordered that the Secretary of the Army be, and he is hereby, designated and empowered to exercise the authority vested in the President by section 1 of the act of June 30, 1882, 22 Stat. 117, 121, as amended [this section], to provide rules, regulations, and restrictions with respect to the Army and Navy hospital at Hot Springs, Arkansas: *Provided*, That the rules, regulations, and restrictions prescribed under the authority of this order shall, so far as feasible, be uniform with those obtaining with respect to other hospitals under the jurisdiction of the Department of the Army, and that those prescribed by the Executive order of August 25, 1892, as amended by Executive Order No. 6885 of October 23, 1934, shall continue in force and effect until amended, modified, or revoked by the Secretary of the Army in action taken pursuant to this order.

§ 19. Tubercular hospital at Fort Bayard

The hospital at Fort Bayard, New Mexico, for the treatment of tuberculosis, shall be opened to the treatment of the officers and men of the Navy and Marine Corps.

(Mar. 2, 1907, ch. 2511, 34 Stat. 1172.)

§ 20. Discipline of patients at Army and Navy Hospital

All persons admitted to treatment in the Army and Navy General Hospital at Hot Springs, Arkansas, shall, while patients in said hospital, be subject to the rules and articles for the government of the armies of the United States.

(Mar. 3, 1909, ch. 252, 35 Stat. 748.)

REPEALS

Act July 1, 1944, ch. 373, title XIII, § 1313, 58 Stat. 714 as amended and renumbered by acts Aug. 13, 1946, ch. 958, § 5, 60 Stat. 1049; Feb. 28, 1948, ch. 83, § 9(b), 62 Stat. 47; July 30, 1956, ch. 779, § 3(b), 70 Stat. 720; Pub. L. 88-581, § 4(b), Sept. 4, 1964, 78 Stat. 919; Pub. L. 89-239, § 3(b), Oct. 6, 1965, 79 Stat. 931; Pub. L. 91-572, § 6(b), Dec. 24, 1970, 84 Stat. 1506; repealed act Mar. 3, 1919, ch. 98, § 3, 40 Stat. 1303, formerly cited to this section, which transferred lands and buildings from the War Department to the Treasury Department for the use of the Public Health Service.

§ 21. Repealed. June 12, 1948, ch. 450, § 4, 62 Stat. 380

Section, act May 12, 1917, ch. 12, 40 Stat. 58, related to limitation on cost of Army hospital buildings.

§ 21a. Naval Home; maintenance and operation

The Secretary of the Navy is authorized to provide for the maintenance and operation of the Naval Home, including the transportation, admission, entertainment, support, and care of beneficiaries, hospitalization of beneficiaries in naval hospitals, transportation and subsistence of attendants of beneficiaries where required, and the burial and care of graves of deceased beneficiaries.

(Aug. 2, 1946, ch. 756, § 11, 60 Stat. 854.)

COMPENSATION OF GOVERNOR OF NAVAL HOME

Pub. L. 85-117, title IV, § 401, Aug. 2, 1957, 71 Stat. 316, which appropriated $2,295,000,000 for military personnel of the Navy, provided in part: "That no part of this or any other appropriation shall be used to pay any officer, while on active duty as Governor of the Naval Home, any amount in excess of the maximum pay and allowances of a rear admiral, upper half."

DELEGATION OF POWERS AND AUTHORITY

Section 39 of act Aug. 2, 1946, authorized the Secretary of the Navy to delegate to such persons in the Naval Establishment and to such extent as he may deem proper, with or without authority to make successive redelegations, the authority conferred upon the Secretary by this section, except the authority to prescribe regulations. Such section 39 was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, less its applicability to this section and section 37 of this title.

§ 22. Disposition of moneys of deceased inmates of Naval Home

All moneys belonging to a deceased beneficiary of the Naval Home or derived from the sale of his personal effects, not claimed by his legal heirs or next of kin, shall be deposited with the pay officer of the Naval Home, and if any sum so deposited shall be unclaimed for a period of two years from the death of such beneficiary it shall be deposited in the Treasury to the credit of the naval pension fund: *Provided*, That the governor of the Naval Home is authorized and directed, under such regulations as may be prescribed by the Secretary of the Navy, to make

diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his heirs or next of kin: *Provided further,* That claims may be presented at any time within five years after moneys have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration.

(June 30, 1914, ch. 130, 38 Stat. 398.)

CROSS REFERENCES

Naval pension fund abolished, see section 725h of Title 31, Money and Finance.

Personal funds of deceased inmates of Naval Home to be held in trust, see section 725s of Title 31.

§ 23. Disposition of pension of beneficiary in Naval Home

The pensions of beneficiaries of the Naval Home shall be disposed of in the same manner as prescribed for inmates of the Soldiers' and Airmen's Home, as provided for in section 52 of this title, under such regulations as the Secretary of the Navy may prescribe, except that in the case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall, subject to the foregoing provisions, escheat to the naval pension fund.

(June 30, 1914, ch. 130, 38 Stat. 398.)

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

CROSS REFERENCES

Naval pension fund abolished, see section 725h of Title 31, Money and Finance.

§ 24. Moneys derived from Naval Home turned into pension fund

All moneys derived from the sale of material at the Naval Home, which was originally purchased from moneys appropriated from the income from the naval pension fund, and all moneys derived from the rental of Naval Home property, shall be turned into the naval pension fund.

(Mar. 4, 1917, ch. 180, 39 Stat. 1175.)

CROSS REFERENCES

Naval pension fund abolished, see section 725h of Title 31, Money and Finance.

§ 25. Employment of beneficiaries in service of Naval Home

For the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home.

(Aug. 22, 1912, ch. 335, 37 Stat. 334.)

§§ 26 to 28. Repealed. July 1, 1944, ch. 373, title XIII, § 1313, 58 Stat. 714

Section 26, acts Mar. 3, 1919, ch. 98, § 1, 40 Stat. 1302; Aug. 9, 1921, ch. 57, § 7, 42 Stat. 149; July 3, 1930, ch. 863, § 1, 46 Stat. 1016, which provided for additional hospital and sanatorium facilities, is now covered by sections 249, 251, and 253 of Title 42, The Public Health and Welfare, and section 763c of Title 33, Navigation and Navigable Waters.

Section 26a, R.S. § 4803; acts June 26, 1884, ch. 121, § 15, 23 Stat. 57; Mar. 3, 1905, ch. 1484, § 1, 33 Stat. 1217; Aug. 14, 1912, ch. 288, § 1, 37 Stat. 309; 1939 Reorg. Plan No. I, §§ 201, 205(b), eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1424, 1425, which provided for the use of certain funds for the relief of sick and disabled seamen, is now covered by section 249 of Title 42, The Public Health and Welfare.

Section 27, act Mar. 3, 1919, ch. 98, § 2, 40 Stat. 1302, which provided for the transfer of hospitals to Treasury Department for the Public Health Service, is now covered by section 248 of Title 42.

Section 28, acts Mar. 3, 1919, ch. 98, § 3, 40 Stat. 1303; Mar. 4, 1921, ch. 156, 41 Stat. 1365, provided for the transfer of property and equipment by Secretary of War to the Treasury Department for use of the Public Health Service.

RENUMBERING OF REPEALING ACT

For renumbering of act July 1, 1944, which repealed these sections, see note set out under sections 1, 2 of this title.

§§ 29, 29a. Repealed. Oct. 31, 1951, ch. 654, § 1(45), 65 Stat. 703

Section 29, acts Mar. 15, 1920, ch. 100, § 1, 41 Stat. 530; Mar. 4, 1921, ch. 156, 41 Stat. 1365, related to disposal of surplus material for the Public Health Service and is now covered by section 483 of Title 40, Public Buildings, Property, and Works.

Section 29a, acts Mar. 15, 1920, ch. 100, § 4, 41 Stat. 531; Mar. 4, 1921, ch. 156, 41 Stat. 1365, related to charges incurred in the disposal of surplus material and is now covered by section 484 of Title 40.

§ 30. Payments to donors of blood for persons undergoing treatment at Government expense

Any person, whether or not in the employ of the United States, who shall furnish blood from his or her veins for transfusion into the veins of a person entitled to and undergoing treatment at Government expense, whether in a Federal hospital or institution or in a civilian hospital or institution, or who shall furnish blood for blood banks or for other scientific and research purposes in connection with the care of any person entitled to treatment at Government expense, shall be entitled to be paid therefor such reasonable sum, not to exceed $50, for each blood withdrawal as may be determined by the head of the department or independent agency concerned, from public funds available to such department or independent agency for medical and hospital supplies: *Provided,* That no payment shall be made under this authority to any person for blood withdrawn for the benefit of the person from whom it is withdrawn.

(Feb. 9, 1927, ch. 91, 44 Stat. 1066; June 2, 1939, ch. 173, 53 Stat. 803; July 30, 1941, ch. 332, 55 Stat. 609.)

AMENDMENTS

1941—Act July 30, 1941, omitted requirement that donor had to be in the Military Establishment or a Government employee and that patient had to be in a Government hospital to have donor qualify for payment.

1939—Act June 2, 1939, included the furnishing of blood by employees of the United States Government.

§ 31. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act. Jan. 19, 1929, ch. 85, 45 Stat. 1090, related to care of naval patients in other Government hospitals where naval hospital facilities are not available, and is now covered by section 6201 of Title 10, Armed Forces.

§§ 32, 33. Repealed. June 7, 1956, ch. 374, § 306(2), 70 Stat. 254

Section 32, act May 10, 1943, ch. 95, § 2, 57 Stat. 80, authorized the hospitalization of dependents of naval and Marine Corps personnel. See, now, section 1071 et seq. of Title 10, Armed Forces.

Section 33, act May 10, 1943, ch. 95, § 3, 57 Stat. 81, defined the terms "dependents" and "children". See, now, section 1071 et seq. of Title 10.

EFFECTIVE DATE OF REPEAL

Repeal of these sections by act June 7, 1956, effective six months after June 7, 1956. See section 307 of act June 7, 1956.

REPEAL OF APPROPRIATIONS

Act May 10, 1943, ch. 95, § 1, 57 Stat. 80, formerly set out as a note under section 32 of this title, which appropriated funds for the purpose of expanding facilities for the hospitalization of dependents of the Navy and Marine Corps, was also repealed by act June 7, 1956.

§ 34. Hospitalization of persons outside continental limits of United States; persons entitled; availability of other facilities; rate of charges; disposition of payments

In addition to those persons, including the dependents of naval and Marine Corps personnel, now authorized to receive hospitalization at naval hospitals, hospitalization and dispensary service may be provided at naval hospitals and dispensaries outside of the continental limits of the United States and in Alaska, to the officers and employees of any department or agency of the Federal Government, to employees of a contractor with the United States or his subcontractor, to the dependents of such persons, and in emergencies to such other persons as the Secretary of the Navy may prescribe: *Provided*, That such hospitalization and dispensary service to other than the dependents of naval and Marine Corps personnel shall be permitted only where facilities are not otherwise available in reasonably accessible and appropriate non-Federal hospitals. The charge for hospitalization or dispensary service for persons other than dependents of naval and Marine Corps personnel as specified in this section shall be at such rates as the President shall from time to time prescribe, and shall be deposited as provided in section 32 of this title.

(May 10, 1943, ch. 95, § 4, 57 Stat. 81.)

REFERENCES IN TEXT

Section 32 of this title, referred to in text, was repealed by act June 7, 1956, ch. 374, § 306(2), 70 Stat. 254. See section 1071 et seq. of Title 10, Armed Forces.

DELEGATION OF FUNCTIONS

Authority of the President under this section to prescribe from time to time uniform rates of charges for hospitalization and dispensary services delegated to the Secretary of Defense, provided, that the authority hereby delegated may not be redelegated to any officer in the Department of the Navy, Department of the Air Force, or Department of the Army, see Ex. Ord. No. 11609, § 5, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

EX. ORD. NO. 11116. RATES OF CHARGES FOR HOSPITALIZATION AND DISPENSARY SERVICES

Ex. Ord. No. 11116, Aug. 5, 1963, 28 F.R. 8075, as amended by Ex. Ord. No. 11230, June 28, 1965, 30 F.R. 8447, provided:

By virtue of the authority vested in me by Section 4 of the Act of May 10, 1943 (24 U.S.C. 34), and by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Rates.* Rates of charges for hospitalization and dispensary services are hereby prescribed, under the last sentence of Section 4 of the Act of May 10, 1943, c. 95, 57 Stat. 81 (24 U.S.C. 34), and for the purposes of that section, as follows:

(1) Inpatient care, per diem:	
(i) For employees of the United States who are not citizens of the United States and their dependents,	$5.00
(ii) For all others,	37.00
(2) Each outpatient treatment, examination, or consultation:	
(i) For employees of the United States and their dependents,	1.00
(ii) For all others,	8.00

SEC. 2. *Delegation.* (a) [Superseded by Ex. Ord. No. 11230, § 2(12), June 28, 1965, 30 F.R. 8447].

(b) The provisions of Section 1 of this order shall be subject to amendment, supersedure, or revocation, in whole or in part and at any time or times after the effective date of this order, under authority of Section 1(w) of Executive Order No. 10530 (as added by Section 2(a) of this order).

SEC. 3. *Revocation.* Executive Order No. 9411 of December 23, 1943, is hereby revoked.

SEC. 4. *Effective date.* The provisions of this order shall become effective on January 1, 1964.

JOHN F. KENNEDY.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35 of this title.

§ 35. Limitation of medical, surgical or hospital services

Hospitalization of the dependents of naval and Marine Corps personnel and of the persons outside the naval service mentioned in section 34 of this title shall be furnished only for acute medical and surgical conditions, exclusive of nervous, mental, or contagious diseases or those requiring domiciliary care. Dental treatment shall be administered only as an adjunct to inpatient hospital care and shall not include dental prosthesis or orthodontia.

(May 10, 1943, ch. 95, § 5, 57 Stat. 81.)

PARTIAL REPEAL

Act June 7, 1956, ch. 374, § 306(2), 70 Stat. 254, repealed section except insofar as it relates to persons outside the Naval Service mentioned in section 34 of this title. See Effective Date of Partial Repeal note below.

EFFECTIVE DATE OF PARTIAL REPEAL

Partial repeal of this section by act June 7, 1956, effective six months after June 7, 1956. See section 307 of act June 7, 1956, ch. 374, 70 Stat. 254.

§ 36. Repealed. June 7, 1956, ch. 374, § 306(2), 70 Stat. 254

Section, act May 10, 1943, ch. 95, § 6, 57 Stat. 41, made sections 32 to 36 of this title applicable to dependents of personnel of the Coast Guard.

EFFECTIVE DATE OF REPEAL

Repeal of this section by act June 7, 1956, effective six months after June 7, 1956. See section 307 of act June 7, 1956.

§ 37. Manufacture of products by patients at naval hospitals; ownership of products

The Secretary of the Navy is authorized to furnish materials for the manufacture or production by patients of products incident to the convalescence and rehabilitation of such patients in naval hospitals and other naval medical facilities, and ownership thereof shall be vested in the patients manufacturing or producing such products, except that the ownership of items manufactured or produced specifically for the use of a naval hospital or other naval medical facility shall be vested in the Government and such items shall be accounted for and disposed of accordingly.

(Aug. 2, 1946, ch. 756, § 27, 60 Stat. 856.)

DELEGATION OF POWERS AND AUTHORITY

Section 39 of act Aug. 2, 1946, authorized the Secretary of the Navy to delegate to such persons in the Naval Establishment and to such extent as he may deem proper, with or without authority to make successive redelegations, the authority conferred upon the Secretary by this section, except the authority to prescribe regulations. Such section 39 was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, less its applicability to this section and section 21a of this title.

CHAPTER 2—THE SOLDIERS' AND AIRMEN'S HOME

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50. Persons excluded.
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52. Allotment of pensions.
53. Discharge.
54. Omitted.
55. Uniform for inmates.
56. Outdoor relief to persons entitled to admission.
57. Limitation of expenditures; purchase of supplies.
58. Repealed.
59. Annual report of board; transmission to Congress.
60. Inspection; report.

CROSS REFERENCES

Delivery of unclaimed property to Soldiers' and Airmen's Home by Secretaries of Army or Air Force, see section 2575 of Title 10, Armed Forces.

Saint Elizabeth Hospital, admission of insane inmates of Soldiers' and Airmen's Home, see section 194 of this title.

§ 41. Board of commissioners; composition

The Surgeon General, The Adjutant General, the Quartermaster General, the Chief of Engineers, the Judge Advocate General, the Chief of Finance, and the Governor of the Soldiers' and Airmen's Home shall constitute a board of commissioners for the Soldiers' and Airmen's Home, and the senior in rank of the members thereof shall be the president of said board of commissioners any four of whom shall be a quorum for the transaction of business, whose duty it shall be to examine and audit the accounts of the treasurer quarter-yearly, and to visit and inspect the Soldiers' and Airmen's Home at least once in every month. The majority shall also have power to establish, from time to time, regulations for the general and internal direction of the institution, to be submitted to the Secretary of the Army for approval; and may do any other acts necessary for the Government and interests of the same, as authorized by sections 41, 43, 44, 45, 49 to 51, 53, and 54 of this title.

(R.S. § 4815; Mar. 3, 1883, ch. 130, § 10, 22 Stat. 565; Mar. 4, 1909, ch. 299, § 1, 35 Stat. 1004; May 11, 1926, ch. 285, 44 Stat. 499.)

REFERENCES IN TEXT

Section 54 of this title, referred to in text, was omitted from the Code as obsolete.

CODIFICATION

R.S. § 4815 was from acts Mar. 3, 1851, ch. 25, § 1, 9 Stat. 595; Mar. 3, 1859, ch. 83, § 4, 11 Stat. 434.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

MEMBERS OF BOARD OF COMMISSIONERS

The membership of the board of commissioners for the Soldiers' and Airmen's Home consists of three senior Army officers designated by the Secretary of the Army, three senior Air Force officers designated by the Secretary of the Air Force, the Governor of the home, the Sergeant Major of the Army, and the Chief Master Sergeant of the Air Force, pursuant to Department of Defense Directive 5160.44, Mar. 15, 1972.

FINANCIAL STUDY AND REPORT ON SOLDIERS' AND AIRMEN'S HOME

Pub. L. 94-454, § 3, Oct. 2, 1976, 90 Stat. 1518, provided that:

"(a) The Comptroller General of the United States shall conduct a study of the operations of the United States Soldiers' and Airmen's Home with a view to determining the short- and long-term and the operating efficiency of such home.

"(b) The Comptroller General shall transmit the results of such study to the Committees on Armed Services of the Senate and the House of Representatives on or before August 1, 1977, together with such comments and recommendations as he deems appropriate."

ABOLITION OF OFFICE OF SURGEON GENERAL

The Office of the Surgeon General was abolished by Reorg. Plan No. 3 of 1966, § 3, eff. June 25, 1966, 31

F.R. 8855, 80 Stat. 1610, and all functions thereof were transferred to the Secretary of Health, Education, and Welfare by section 1 of Reorg. Plan No. 3 of 1966 set out in the Appendix to Title 5, Government Organization and Employees.

SECRETARY OF THE AIR FORCE

For transfer of certain membership functions, insofar as they pertain to the Air Force, which functions were not previously transferred from the Secretary of the Army to the Secretary of the Air Force, see Secretary of Defense Transfer Order No. 40 [App. C(3)], July 22, 1949.

LEASE OF SITES TO THE UNITED STATES FOR CONSTRUCTION OF OFFICE BUILDINGS

Act Dec. 17, 1941, ch. 591, title III, 55 Stat. 821, authorized the Board of Commissioners of the United States Soldiers' Home [now United States Soldiers' and Airmen's Home] to lease to the United States, for a period of ten years and upon the payment of a rental, a site or sites upon which may be erected some of the buildings herein authorized (general office buildings).

§ 42. Report of president

The president of the board of commissioners shall submit annually to the Secretary of the Army, for transmission to Congress, a full statement of the financial and other affairs of the home for the preceding fiscal year.

(Mar. 4, 1909, ch. 299, § 1, 35 Stat. 1004; May 11, 1926, ch. 285, 44 Stat. 499.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

SECRETARY OF THE AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(48)], July 22, 1949.

§ 43. Officers

The officers of the Soldiers' and Airmen's Home shall consist of a governor, a deputy governor, and a secretary, for each separate site of the home, the latter to be also treasurer; and the officers shall be taken from the Army, and appointed or removed, from time to time, as the interests of the institution may require. The governor and all other officers of the home shall be selected by the President of the United States.

(R.S. § 4816; Mar. 3, 1883, ch. 130, § 7, 22 Stat. 565; June 6, 1972, Pub. L. 92-310, title II, § 228(a), 86 Stat. 207.)

CODIFICATION

R.S. § 4816 was from act Mar. 3, 1851, ch. 25, § 3, 9 Stat. 595.

AMENDMENTS

1972—Pub. L. 92-310 eliminated provisions which required the treasurer of the home to give a bond in the penal sum of $20,000.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

§ 44. Funds

For the support of the Soldiers' and Airmen's Home the following funds are set apart and appropriated: All stoppages or fines adjudged against soldiers by sentence of courts martial, over and above any amount that may be due for the reimbursement of Government, or of individuals; all forfeitures on account of desertion; and all moneys belonging to the estates of deceased soldiers, which may be unclaimed for the period of three years subsequent to the death of such soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased.

(R.S. § 4818.)

CODIFICATION

R.S. § 4818 was from acts Mar. 3, 1851, ch. 25, § 7, 9 Stat. 596; July 5, 1862, ch. 133, § 2, 12 Stat. 508.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

CROSS REFERENCES

Funds of Soldiers' and Airmen's Home to be held in trust, see section 725s of Title 31, Money and Finance.

§ 44a. Repealed. Pub. L. 94-454, § 2(b), Oct. 2, 1976, 90 Stat. 1518

Section, act Feb. 13, 1936, ch. 66, 49 Stat. 1137, related to pay deductions of enlisted men and warrant officers on active list of Regular Army, not to exceed 25 cents, to be credited to permanent fund of United States Soldiers' Home [now United States Soldiers' and Airmen's Home] trust fund. Provisions now covered by section 44c of this title.

§ 44b. Fees as additional income

The Board of Commissioners of the United States Soldiers' and Airmen's Home shall collect from members of the home a fee which may be used solely for the operation of the home. The amount of the fee shall be determined by the Board of Commissioners on the basis of financial needs of the home and the ability of the members to pay, but in no case may the fee collected in any month in the case of any member exceed an amount equal to 25 per centum of the monthly—

(1) military retired pay paid to such member;

(2) civil service annuity paid to such members where such annuity is based in part on years of military service;

(3) disability compensation or pension paid to such member by the Veterans' Administration; or

(4) military retired pay and disability compensation or pension where such member is receiving both retired pay and disability compensation or pension.

(Pub. L. 94-454, § 1, Oct. 2, 1976, 90 Stat. 1518.)

§ 44c. Pay deductions from enlisted men and warrant officers

There shall be deducted each month from the pay of each enlisted man and warrant officer on the active list of the Regular Army and Regular Air Force a sum not to exceed 50 cents which shall be deposited to the credit of the permanent fund, United States Soldiers' and Airmen's Home (trust fund) in the Treasury of the United States. The sums to be deducted shall be fixed from time to time, within the limit prescribed above, by the Secretary of the Army and the Secretary of the Air Force in consultation with the Board of Commissioners of such home so as to meet the annual operating requirements of such home. Such sums may be fixed at different amounts for such enlisted men and warrant officers on the basis of grade or time in service, or both, except that the sums fixed shall be the same for both the Army and Air Force.

(Pub. L. 94–454, § 2(a), Oct. 2, 1976, 90 Stat. 1518.)

§ 45. Donations

The commissioners are authorized to receive all donations of money or property made by any person for the benefit of the institution, and hold the same for its sole and exclusive use.

(R.S. § 4819; June 12, 1906, ch. 3078, 34 Stat. 242; May 11, 1908, ch. 163, 35 Stat. 110.)

CODIFICATION

R.S. § 4819 was from acts Mar. 3, 1851, ch. 25, § 7, 9 Stat. 596; Mar. 3, 1859, ch. 83, § 7, 11 Stat. 434.

Section 2(b) of Pub. L. 94-454 repealed section 44a of this title.

SURPLUS PROPERTY

The Civil Functions Appropriation Act, 1949, act June 25, 1948, ch. 655, § 1, 62 Stat. 1023, provided in part: "That any owning or disposal agency is authorized to transfer surplus property, other than real estate, to the United States Soldiers' Home [now United States Soldiers' and Airmen's Home] without reimbursement or transfer of funds."

Similar provisions were carried in the War Department Civil Appropriation Act, 1948, act July 31, 1947, ch. 411, § 1, 61 Stat. 691, and in the First Deficiency Appropriation Act, 1946, act Dec. 28, 1945, ch. 589, title I, § 101, 59 Stat. 641.

CROSS REFERENCES

Funds of Soldiers' and Airmen's Home to be held in trust, see section 725s of Title 31, Money and Finance.

§ 46. Deposit of funds; interest; principal

All funds of the home not needed for current use, and not on March 3, 1883, invested in United States registered bonds, shall, as soon as received, or as soon as investments of that date can be converted into money without loss, be deposited in the Treasury of the United States to the credit of the home, as a permanent fund, and shall draw interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such investments, adjusted to the nearest one-eighth of 1 per centum, which shall be paid quarterly to the treasurer of the home; and the proceeds of such registered bonds, as they are paid, shall be deposited in like manner. No part of the principal sum so deposited shall be withdrawn for use except upon a resolution of the board of commissioners stating the necessity and approved by the Secretary of the Army.

(Mar. 3, 1883, ch. 130, § 8, 22 Stat. 565; Dec. 15, 1973, Pub. L. 93-185, 87 Stat. 712.)

AMENDMENTS

1973—Pub. L. 93-185 substituted "a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such investments, adjusted to the nearest one-eighth of 1 per centum" for "the rate of 3 per centum per annum".

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

SECRETARY OF THE AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(49)], July 22, 1949.

CROSS REFERENCES

Custody of funds of Soldiers' and Airmen's Home, see section 47 of this title.

Funds of Soldiers' and Airmen's Home to be held in trust, see section 725s of Title 31, Money and Finance.

§ 46a. Deposit of interest on funds; when expendable

Effective July 1, 1935, interest earned pursuant to law on funds of the United States Soldiers' and Airmen's Home deposited in the Treasury of the United States shall be credited to the trust fund "Soldiers' and Airmen's Home, Permanent Fund", and shall not be expendable except in consequence of an appropriation made by Congress.

(Apr. 9, 1935, ch. 54, title II, § 1, 49 Stat. 147.)

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

CROSS REFERENCES

Funds of Soldiers' and Airmen's Home to be held in trust, see section 725s of Title 31, Money and Finance.

§ 46b. Laws governing administration of funds appropriated from Permanent Fund

Notwithstanding any other provisions of law, the administration, control, procurement, expenditure, accounting, audit, and methods thereof, of funds appropriated from the Soldiers' and Airmen's Home Permanent Fund (trust fund) shall be according to the laws governing and in effect prior to July 1, 1935, relating specifically to the United States Soldiers' and Airmen's Home, and in accordance with procedure followed prior to such date.

(July 19, 1937, ch. 511, § 1, 50 Stat. 519.)

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

CROSS REFERENCES

Funds of Soldiers' Home to be held in trust, see section 725s of Title 31, Money and Finance.

§ 47. Custodian of funds; transfer of funds for outdoor relief

The Treasurer of the United States is authorized and directed to receive and keep on deposit, subject to the checks or drafts of the treasurer of the Soldiers' and Airmen's Home in the District of Columbia, all funds which may be furnished the said treasurer of the Soldiers' and Airmen's Home or in any manner come into his possession for use in defraying the current expenses of maintaining the said Soldiers' and Airmen's Home, and, upon the request of said treasurer of the Soldiers' and Airmen's Home, there shall be transferred, from funds to his credit with the United States Treasurer, and placed to his credit with the designated depository of the United States in New York City, New York such sums as he may require monthly or quarterly for payments on account of "outdoor relief" to members of said Soldiers' and Airmen's Home residing at a distance therefrom.

(Jan. 16, 1891, ch. 74, 26 Stat. 718; May 29, 1920, ch. 214, § 1, 41 Stat. 655.)

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

CROSS REFERENCES

Deposit of interest on funds of Soldiers' and Airmen's Home, see section 46 of this title.

§ 48. Borrowing money on credit of home

No officers of the home shall borrow any money on the credit of the home for any purpose, nor shall any pledge of any of its property or securities for any purpose be valid.

(Mar. 3, 1883, ch. 130, § 9, 22 Stat. 565.)

§ 49. Persons entitled to membership in and benefits of home

The following persons shall be members of the Soldiers' and Airmen's Home, and entitled to the rights and benefits conferred, in sections 41, 43, 44, 45, 49 to 51, 53, and 54 of this title and no others;

First. Every soldier of the Army of the United States who has served, or may serve, honestly and faithfully twenty years in the same.

Second. Every soldier and every discharged soldier, whether regular or volunteer, who has suffered, or may suffer, by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability was not occasioned by his own misconduct.

Third. The invalid and disabled soldiers, whether regulars or volunteers, of all wars.

(R.S. §§ 4814, 4821.)

REFERENCES IN TEXT

Section 54 of this title, referred to in text, was omitted from the Code as obsolete.

CODIFICATION

R.S. § 4814 was from acts Mar. 3, 1851, ch. 25, § 1, 9 Stat. 595; Mar. 3, 1859, ch. 83, §§ 5, 7, 11 Stat. 434.
R.S. § 4821 was from acts Mar. 3, 1851, ch. 25, § 4, 9 Stat. 596; Mar. 3, 1859, ch. 83, § 5, 11 Stat. 434.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

§ 50. Persons excluded

The benefits of the Soldiers' and Airmen's Home shall not be extended to any soldier, in the regular or volunteer service, convicted of felony or other disgraceful or infamous crimes of a civil nature after his admission into the service of the United States; nor shall any one who has been a deserter, mutineer, or habitual drunkard be received, without such evidence of subsequent service, good conduct, and reformation of character as is satisfactory to the commissioners.

(R.S. § 4822.)

CODIFICATION

R.S. § 4822 was from act Mar. 3, 1851, ch. 25, § 6, 9 Stat. 596.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

§ 51. Rights of pensioners and surrender of pensions

The fact that one to whom a pension has been granted for wounds or disability received in the military service has not contributed to the funds of the Soldiers' and Airmen's Home shall not preclude him from admission thereto. But all such pensioners shall surrender their pensions to the Soldiers' and Airmen's Home during the time they remain therein and voluntarily receive its benefits.

(R.S. § 4820.)

CODIFICATION

R.S. § 4820 was from acts Mar. 3, 1851, ch. 25, § 5, 9 Stat. 596; Mar. 3, 1859, ch. 83, § 6, 11 Stat. 434.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

§ 52. Allotment of pensions

Any inmate of the home who is receiving a pension from the Government, and who has a child, wife, or parent living, shall be entitled, by filing with the Veterans' Administration a written direction to that effect, to have his pension, or any part of it, paid to such child, wife, or parent. The pensions of all inmates of the home, except such as shall be assigned as aforesaid, shall be paid to the treasurer of the home. The money thus derived shall not become a part of the funds of the home, but shall be held

by the treasurer in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his discharge from the institution. The board of commissioners may from time to time pay over to any inmate such part of his pension money as they think best for his interest and consistent with the discipline and good order of the home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the home. In case of the death of any pensioner, any pension money due him and remaining in the hands of the treasurer shall be paid to his legal heirs, if demand is made within three years; otherwise the same shall escheat to the home.

(Mar. 3, 1883, ch. 130, § 4, 22 Stat. 564; Aug. 17, 1912, ch. 301, § 1, 37 Stat. 312.)

TRANSFER OF FUNCTIONS

"Veterans' Administration" was substituted for "Bureau of Pensions" in view of act July 3, 1930, ch. 863, § 1, 46 Stat. 1016, which consolidated the Bureau of Pensions, the National Home for Disabled Volunteer Soldiers, and the United States Veterans' Bureau into an establishment to be known as the "Veterans' Administration." Act July 3, 1930, was repealed by section 2202 (125) of Pub. L. 85-56, title XXII, June 17, 1957, 71 Stat. 163. Section 201 of Pub. L. 85-56 continued the Veterans' Administration as an independent establishment in the executive branch of the Government. See section 201 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23 of this title.

§ 53. Discharge

Any soldier admitted into the Soldiers' and Airmen's Home for disability who recovers his health, so as to become fit again for military service, if under fifty years of age, shall be discharged.

(R.S. § 4823.)

CODIFICATION

R.S. § 4823 was from act Mar. 3, 1851, ch. 25, § 5, 9 Stat. 596.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

§ 54. Omitted

CODIFICATION

Section, R.S. § 4824, which related to coverage of inmates by the Articles of War, has been omitted as covered by the Uniform Code of Military Justice. See section 801 et seq. of Title 10, Armed Forces.

§ 55. Uniform for inmates

A suitable uniform shall be furnished to every inmate of the home, without cost to him.

(Mar. 3, 1883, ch. 130, § 5, 22 Stat. 565.)

§ 56. Outdoor relief to persons entitled to admission

The board of commissioners are authorized to aid persons who are entitled to admission to the home, by outdoor relief, in such manner and to such an extent as they may deem proper; but such relief shall not exceed the average cost of maintaining an inmate of the home.

(Mar. 3, 1883, ch. 130, § 6, 22 Stat. 565.)

§ 57. Limitation of expenditures; purchase of supplies

No new building shall be erected or new grounds purchased, nor shall any expenditure of more than $5,000 be made, until the action of the board thereon shall be approved by the Secretary of the Army. All supplies that can be purchased upon contract shall be so purchased, after due notice by advertisement, of the lowest responsible bidder. Such bidder shall give bond, with proper security, for the performance of his contract.

(Mar. 3, 1883, ch. 130, § 3, 22 Stat. 564.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

§ 58. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, acts June 4, 1897, ch. 2, § 1, 30 Stat. 54; June 28, 1950, ch. 383, title IV, § 402(d), 64 Stat. 272, provided for the sale of medical and hospital supplies to the Soldiers' Home [now United States Soldiers' and Airmen's Home] in the District of Columbia, and is now covered by sections 4624 and 9624 of Title 10, Armed Forces.

§ 59. Annual report of board; transmission to Congress

The board of commissioners of the Soldiers' and Airmen's Home shall every year report in writing to the Secretary of the Army, giving a full statement of all receipts and disbursements of money, of the manner in which the funds are invested, or any changes in the investments, and the reasons therefor, of all admissions and discharges, and generally of all facts that may be necessary to a full understanding of the condition and management of the home. The Secretary of the Army shall have power to call for and require any omitted facts which in his judgment should be stated to be added. This annual report shall be, by the Secretary of the Army, together with the report of the inspecting officer provided for in section 60 of this title, transmitted to Congress at the first session thereafter, and he shall also cause the same to be published in orders to the Army, a copy thereof to be deposited in each garrison and post library.

(Mar. 3, 1883, ch. 130, § 1, 22 Stat. 564.)

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

SECRETARY OF THE AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(50)], July 22, 1949.

§ 60. Inspection; report

The Inspector General of the Army shall designate officers of the Inspector General's Department under his jurisdiction to inspect thoroughly, once each year, the United States Soldiers' and Airmen's Home, Washington, District of Columbia, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing to the Secretary of the Army, including in his report such suggestions as he desires to make.

(Mar. 3, 1883, ch. 130, § 2, 22 Stat. 564; Jan. 27, 1948, ch. 35, 62 Stat. 5.)

AMENDMENTS

1948—Act Jan. 27, 1948, relieved the Inspector General of the Army from personally inspecting the Soldiers' Home.

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

SECRETARY OF THE AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(51)], July 22, 1949.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 59 of this title.

CHAPTER 3—THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

SUBCHAPTER I—ESTABLISHMENT AND MANAGEMENT

Sec.
71 to 78. Repealed.
79. Omitted.
80 to 84. Repealed.

SUBCHAPTER II—OFFICERS AND EMPLOYEES

91 to 96. Repealed.
97. Omitted.

SUBCHAPTER III—FUNDS AND ACCOUNTS

111 to 123. Repealed.

SUBCHAPTER IV—BENEFICIARIES AND PENSIONS

131. Repealed.
131a, 131b. Omitted.
132 to 139. Repealed.

SUBCHAPTER V—BATTLE MOUNTAIN SANITARIUM RESERVE

151. Battle Mountain Sanitarium Reserve; establishment; rights to lands, not affected.
152. Name; control, rules and regulations.
153. Perfecting bona fide claims to lands; exchange of private lands.
154. Unlawful intrusion, or violation of rules and regulations.

SUBCHAPTER I—ESTABLISHMENT AND MANAGEMENT

§§ 71 to 77a. Repealed. Pub. L. 85-857, § 14, (1), (6), (9), (16), (35), (59), Sept. 2, 1958, 72 Stat. 1268, 1269, 1271, 1272

Section 71, R.S. § 4825, related to the organization of the National Home for Disabled Volunteer Soldiers.

Section 72, act July 1, 1916, ch. 209, § 1, 39 Stat. 297, provided that the headquarters of the National Home for Disabled Volunteer Soldiers should be established and maintained at the National Military Home, Ohio.

Section 73, R.S. § 4826; act June 7, 1924, ch. 291, title II, 43 Stat. 518, provided for the election of civilian managers of the National Home for Disabled Volunteer Soldiers.

Acts Mar. 2, 1887, ch. 316, § 4, 24 Stat. 44; Mar. 3, 1891, No. 21, 26 Stat. 117; June 23, 1913, ch. 3, § 1, 38 Stat. 43; Oct. 19, 1914, No. 49, 38 Stat. 780, which were set out in a note under section 73 of this title, related to the number of citizen managers of the National Home for Disabled Volunteer Soldiers, and were repealed by Pub. L. 85-857, § 14(8), (13), (31), (33), Sept. 2, 1958, 72 Stat. 1269, 1270.

Section 74, R.S. § 4827; act June 7, 1924, ch. 291, title II, 43 Stat. 518, provided for the election of officers of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Section 75, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 412, related to expenses and salaries of managers and officers of the National Home for Disabled Volunteer Soldiers.

Section 76, R.S. § 4834; acts Mar. 3, 1885, ch. 360, 23 Stat. 510; Mar. 3, 1887, ch. 362, 24 Stat. 539, prescribed the duties of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Section 77, R.S. § 4830, related to sites for military homes and to the purchase and erection of buildings.

Section 77a, act Feb. 20, 1929, ch. 272, § 1, 45 Stat. 1248, related to a site for a home at Dayton, Ohio.

EFFECTIVE DATE OF REPEAL

Repeal of sections by Pub. L. 85-857, effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

§ 78. Repealed. Pub. L. 85-56, title XXII, § 2202(58), June 17, 1957, 71 Stat. 164

Section, act July 19, 1897, ch. 1, 30 Stat. 121, authorized the Board of Managers of the National Home for Disabled Volunteer Soldiers to condemn land for domiciliary purposes.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85-56 effective Jan. 1, 1958, see section 2301 of Pub. L. 85-56.

§ 79. Omitted

CODIFICATION

Section, act Mar. 3, 1901, ch. 853, § 1, 31 Stat. 1175, ceded jurisdiction over certain property in the States of Wisconsin and Kansas to the respective States.

§§ 80 to 82. Repealed. Pub. L. 85-857, § 14(3), (18), (19), Sept. 2, 1958, 72 Stat. 1268, 1270

Section 80, act Mar. 3, 1879, ch. 182, § 1, 20 Stat. 390, related to the purchase of supplies and expenditures for new buildings.

Section 81, act July 1, 1898, ch. 546, § 1, 30 Stat. 640, related to the purchase, shipment, and distribution of supplies for the National Home for Disabled Volunteer Soldiers.

Section 82, act June 11, 1896, ch. 420, § 1, 29 Stat. 445, authorized the sale of medical and hospital supplies by the Medical Department of the Army to the National Home for Disabled Volunteer Soldiers.

EFFECTIVE DATE OF REPEAL

Repeal of sections by Pub. L. 85-857, effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

§ 83. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, acts Feb. 8, 1889, ch. 116, 25 Stat. 657; May 26, 1900, ch. 586, 31 Stat. 216, which authorized the issuance of obsolete cannon or ordnance. See sections 4686 and 9686 of Title 10, Armed Forces.

§ 84. Repealed. Pub. L. 85-857, § 14(16), Sept. 2, 1958, 72 Stat. 1269

Section, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 412, related to an annual inspection of the National Home for Disabled Volunteer Soldiers.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85-857 effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

SUBCHAPTER II—OFFICERS AND EMPLOYEES

§ 91. Repealed. Pub. L. 85-857, § 14(1), Sept. 2, 1958, 72 Stat. 1268

Section, R.S. § 4829; acts Apr. 11, 1892, ch. 40, 27 Stat. 15; Feb. 9, 1897, ch. 205, 29 Stat. 517, provided for the officers of the National Home for Disabled Volunteer Soldiers.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85-857 effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

§ 92. Repealed. Pub. L. 85-56, title XXII, § 2202(66), June 17, 1957, 71 Stat. 162

Section, act June 28, 1902, ch. 1301, § 1, 32 Stat. 472, prescribed the qualifications of officers of the National Home for Disabled Volunteer Soldiers, and officers under the Board of Managers thereof.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85-56 effective Jan. 1, 1958, see section 2301 of Pub. L. 85-56.

§§ 93 to 96. Repealed. Pub. L. 85-857, § 14(16), (23), (25), Sept. 2, 1958, 72 Stat. 1269, 1270

Section 93, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 412, required the classification and provided for the compensation of officers and employees of the National Home for Disabled Volunteer Soldiers.

Section 94, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 412, related to bonds of general treasurer and treasurers of branch homes.

Section 95, act June 6, 1900, ch. 791, § 1, 31 Stat. 636, related to the performance of the duties of the general treasurer by the assistant general treasurer and assistant inspector general.

Act July 1, 1898, ch. 546, 30 Stat. 597, which was set out as a note under section 95 of this title, authorized the appointment of a clerk to perform the duties of general treasurer in his absence, and was repealed by Pub. L. 85-857, § 14(20), Sept. 2, 1958, 72 Stat. 1270.

Section 96, act Mar. 3, 1901, ch. 853, § 1, 31 Stat. 1178, provided for the designation of an officer to act in the absence of the treasurer or quartermaster at any of the branch homes of the National Home for Disabled Volunteer Soldiers.

EFFECTIVE DATE OF REPEAL

Repeal of sections by Pub. L. 85-857, effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

§ 97. Omitted

CODIFICATION

Section, act Mar. 3, 1887, ch. 362, 24 Stat. 540, related to compensation and expenses of officers and employees, and was omitted since the National Home for Disabled Volunteer Soldiers was dissolved.

SUBCHAPTER III—FUNDS AND ACCOUNTS

§§ 111 to 123. Repealed. Pub. L. 85-857, § 14(1), (2), (7), (9), (14) to (16), (22), (25), (27), (34), (46), Sept. 2, 1958, 72 Stat. 1268 to 1271

Section 111, R.S. § 4831; act Mar. 3, 1875, ch. 129, § 1, 18 Stat. 359, authorized the Board of Managers of the National Home for Disabled Volunteer Soldiers to receive donations of money or property.

Section 112, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 412, related to receipts from sales of subsistence stores or other property of the National Home for Disabled Volunteer Soldiers.

Section 113, act Mar. 2, 1923, ch. 178, title II, 42 Stat. 1424, related to the use of moneys alloted for the support of World War veterans.

Acts June 30, 1922, ch. 253, title II, 42 Stat. 763; Mar. 2, 1923, ch. 178, title II, 42 Stat. 1424, which were set out in notes under section 113 of this title, related to use of moneys alloted for the support of World War veterans, and were repealed by Pub. L. 85-857, § 14 (44), (46), Sept. 2, 1958, 72 Stat. 1271.

Section 114, act June 6, 1900, ch. 785, § 1, 31 Stat. 294, related to availability of appropriations for the construction of buildings at any of the branches of the National Home for Disabled Volunteer Soldiers.

Section 115, act Mar. 3, 1903, ch. 1007, § 1, 32 Stat. 1137, related to availability of appropriations for branch homes of the National Home for Disabled Volunteer Soldiers.

Section 116, act Mar. 3, 1915, ch. 75, § 1, 38 Stat. 850, prohibited the use of appropriations for repairs for the construction of new buildings.

Section 117, act July 9, 1886, ch. 756, § 2, 24 Stat. 129, related to security for deposits of moneys pertaining to the National Home for Disabled Volunteer Soldiers.

Section 118, act Mar. 3, 1893, ch. 210, § 1, 27 Stat. 653, related to supervision of accounts of the volunteer soldiers' homes.

Section 119, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 411, related to disbursements, accounts, supplies and to the posthumous fund.

Section 120, acts Mar. 3, 1887, ch. 362, 24 Stat. 539; June 10, 1921, ch. 18, § 304, 42 Stat. 24, related to expenditures of the National Home for Disabled Volunteer Soldiers.

Section 121, acts Mar. 3, 1901, ch. 853, § 1, 31 Stat. 1178; June 10, 1921, ch. 18, § 304, 42 Stat. 24, related to the auditing and settlement of accounts of the National Home for Disabled Volunteer Soldiers.

Section 122, act Mar. 3, 1875, ch. 129, § 1, 18 Stat. 359, related to the employment of clerks, appropriations, estimates, requisitions, and accounts of the National Home for Disabled Volunteer Soldiers.

Section 123, acts Aug. 5, 1892, ch. 380, § 1, 27 Stat. 384; June 10, 1921, ch. 18, § 304, 42 Stat. 24, required the statement of expenses of the Board of Managers of the National Home for Disabled Volunteer Soldiers, to be included in the annual budget.

EFFECTIVE DATE OF REPEAL

Repeal of sections by Pub. L. 85-857 effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

SUBCHAPTER IV—BENEFICIARIES AND PENSIONS

§ 131. Repealed. Pub. L. 85–857, § 14(49), Sept. 2, 1958, 72 Stat. 1271

Section, acts June 7, 1924, ch. 291, title II, 43 Stat. 519; Mar. 26, 1928, ch. 245, 45 Stat. 366, enumerated the persons who were entitled to the benefits of the National Home for Disabled Volunteer Soldiers.

Section 14(49)(A) of Pub. L. 85–857 provided in part that the amendment to the act of June 7, 1924, by act Mar. 26, 1928, was solely an amendment to the paragraph which began "The following persons" on page 519 of volume 43 of the United States Statutes at Large, which paragraph was classified to former section 131 of this title.

Acts May 26, 1900, ch. 586, 31 Stat. 217; Jan. 28, 1901, ch. 184, § 5, 31 Stat. 745; May 27, 1908, ch. 200, § 1, 35 Stat. 372; Mar. 4, 1909, ch. 209, § 1, 35 Stat. 212; Mar. 3, 1915, ch. 75, § 1, 38 Stat. 853; Oct. 6, 1917, ch. 79, § 1, 40 Stat. 368; June 5, 1920, ch. 235, § 1, 41 Stat. 905, which were set out in notes under section 131 of this title, were repealed by Pub. L. 85–857, § 14(21), (24), (30), (34), (36), (41), Sept. 2, 1958, 72 Stat. 1270, 1271.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85–857 effective Jan. 1, 1959, see section 2 of Pub. L. 85–857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

§§ 131a, 131b. Omitted

CODIFICATION

Section 131a, act Feb. 20, 1929, ch. 272, § 2, 45 Stat. 1248, which related to persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, was omitted from the Code on authority of act July 3, 1939, ch. 863, §§ 1, 2, 5, 46 Stat. 1016, which dissolved the Home.

Section 131b, act Mar. 4, 1927, ch. 504, § 2, 44 Stat. 1421, which related to persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers at Marion, Indiana, was omitted from the Code as obsolete. See note under section 131a of this title.

§ 132. Repealed. Pub. L. 85–56, title XXII, § 2202(100), June 17, 1957, 71 Stat. 166

Section, act June 5, 1920, ch. 235, § 1, 41 Stat. 905, authorized the Board of Managers of the National Home for Disabled Volunteer Soldiers to make rules governing assignment of classes eligible for domiciliary care.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85–56 effective Jan. 1, 1958, see section 2301 of Pub. L. 85–56.

§§ 133 to 135. Repealed. Pub. L. 85–857, § 14(1), (10), (12), (50), (52), (64), Sept. 2, 1958, 72 Stat. 1268, 1269, 1271, 1272

Section 133, R.S. § 4833; acts Aug. 23, 1894, ch. 316, § 1, 28 Stat. 492; May 29, 1928, ch. 901, § 1(123), 45 Stat. 995, authorized the Board of Managers of the National Home for Disabled Volunteer Soldiers to aid persons by outdoor relief, and provided for transfers from branch homes.

Section 134, acts Aug. 27, 1888, ch. 914, § 1, 25 Stat. 450; Mar. 2, 1889, ch. 411, 25 Stat. 975; Jan. 27, 1920, ch. 56, 41 Stat. 399; Feb. 12, 1925, ch. 225, 43 Stat. 933; Apr. 15, 1926, ch. 146, 44 Stat. 294; Feb. 23, 1927, ch. 167, 44 Stat. 1145; Dec. 22, 1927, ch. 5, § 1, 45 Stat. 39; Mar. 23, 1928, ch. 232, § 1, 45 Stat. 363; Feb. 28, 1929, ch. 366, 45 Stat. 1385; May 28, 1930, ch. 348, 46 Stat. 466; July 3, 1930, ch. 863, § 2, 46 Stat. 1016; Feb. 23, 1931, ch. 281, § 1, 46 Stat. 1375; June 30, 1932, ch. 330, § 1, 47 Stat. 472; Aug. 1, 1939, ch. 408, § 1, 53 Stat. 1145; Dec. 17, 1943, ch. 347, § 1, 57 Stat. 603; May 18, 1948, ch. 299, § 1, 62 Stat. 237; Sept. 23, 1950, ch. 1003, 64 Stat. 981; Aug. 21, 1954, ch. 782, § 1, 68 Stat. 757, related to aid to State or Territorial homes for disabled soldiers and sailors of the United States.

Acts Aug. 1, 1939, ch. 408, § 2, 53 Stat. 1145; Dec. 17, 1943, ch. 347, § 2, 57 Stat. 603; May 18, 1948, ch. 299, § 2, 62 Stat. 237; Aug. 21, 1954, ch. 782, § 2, 68 Stat. 757, which were set out in a note under section 134 of this title, were repealed by Pub. L. 85–857, § 14(74), (85), (95), (106), Sept. 2, 1958, 72 Stat. 1272, 1273.

Section 135, act June 7, 1924, ch. 295, § 2, 43 Stat. 534, enumerated persons entitled to admission to the hospital erected at the Pacific branch of the National Home for Disabled Volunteer Soldiers.

EFFECTIVE DATE OF REPEAL

Repeal of sections by Pub. L. 85–857 effective Jan. 1, 1959, see section 2 of Pub. L. 85–857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

§ 136. Repealed. Pub. L. 85–56, title XXII, § 2202(1), (85), June 17, 1957, 71 Stat. 162, 165

Section, acts June 25, 1910, ch. 384, §§ 1 to 11, 36 Stat. 736; Dec. 26, 1941, ch. 634, 55 Stat. 868, related to disposition of deceased veterans' personal property. See section 5220 et seq. of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85–56 effective Jan. 1, 1958, see section 2301 of Pub. L. 85–56.

§ 137. Repealed. July 3, 1930, ch. 863, § 7, 46 Stat. 1018

Section, R.S. § 4835, related to application of Articles of War to inmates of National Home for Disabled Volunteer Soldiers.

§§ 138, 139. Repealed. Pub. L. 85–857, § 14(4), (5), (26), Sept. 2, 1958, 72 Stat. 1269, 1270

Section 138, acts Feb. 26, 1881, ch. 80, § 2, 21 Stat. 350; Aug. 7, 1882, ch. 433, § 1, 22 Stat. 322; Aug. 17, 1912, ch. 301, § 1, 37 Stat. 312, related to the payment of pensions of inmates of the National Home for Disabled Volunteer Soldiers.

Section 139, act July 1, 1902, ch. 1351, § 1, 32 Stat. 564, related to the disposition of balance of pension money due deceased inmates of the National Home for Disabled Volunteer Soldiers.

EFFECTIVE DATE OF REPEAL

Repeal of sections by Pub. L. 85–857, effective Jan. 1, 1959, see section 2 of Pub. L. 85–857, set out as a note preceding Part I of Title 38, Veterans' Benefits.

SUBCHAPTER V—BATTLE MOUNTAIN SANITARIUM RESERVE

§ 151. Battle Mountain Sanitarium Reserve; establishment; rights to lands, not affected

There are reserved from settlement, entry, sale, or other disposal all those certain tracts, pieces, or parcels of land lying and being situated in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southwest corner of section 18, township 7 south, range 6 east, Black Hills meridian; thence east to the southeast corner of said section 18; thence south to the southwest corner of the northwest quarter of section 20; thence east to the southeast corner of the northeast quarter of section 21; thence north to the northeast corner of the southeast quarter of section 9; thence west to the center of section 7; thence south to the southwest corner of the southeast quarter of section 7; thence west to the northwest corner of section 18; thence south to the place of beginning, all in township

7 south, range 6 east, Black Hills meridian, in Fall River County, South Dakota: *Provided,* That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said reserve.

(Mar. 22, 1906, ch. 1127, § 1, 34 Stat. 83.)

§ 152. Name; control, rules and regulations

Said reserve shall be known as the Battle Mountain Sanitarium Reserve, and shall be under the exclusive control of the Administrator of Veterans' Affairs in connection with the Battle Mountain Sanitarium at Hot Springs, South Dakota, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same.

(Mar. 22, 1906, ch. 1127, § 2, 34 Stat. 83; July 3, 1930, ch. 863, § 2, 46 Stat. 1016.)

TRANSFER OF FUNCTIONS

"Administrator of Veterans' Affairs" was substituted for "Board of Managers of the National Home for Disabled Volunteer Soldiers" pursuant to act July 3, 1930. See Transfer of Functions note set out under section 52 of this title.

§ 153. Perfecting bona fide claims to lands; exchange of private lands

In all cases of unperfected bona fide claims lying within the said boundaries of said reserve, which claims have been properly initiated prior to September 2, 1902, said claims may be perfected upon compliance with the requirements of the laws respecting settlement, residence, improvements, and so forth, in the same manner in all respects as claims are perfected to other Government lands: *Provided,* That to the extent that the lands within said reserve are held in private ownership the Secretary of the Interior is authorized in his discretion to exchange therefor public lands of like area and value, which are surveyed, vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes. The private owners must, at their expense and by appropriate instruments of conveyance, surrender to the Government a full and unencumbered right and title to the private lands included in any exchange before patents are issued for or any rights attached to the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon completion of any exchange the land surrendered to the Government shall become a part of said reserve in a like manner as if they had been public lands at the time of the establishment of said reserve. Nothing contained in this section shall be construed to authorize the issuance of any land scrip, and the State of South Dakota is granted the privilege of selecting from the public lands in said State an equal quantity of land in lieu of such portions of section sixteen included within said reserve as have not been sold or disposed of by said State and are not covered by an unperfected bona fide claim as above mentioned.

(Mar. 22, 1906, ch. 1127, § 3, 34 Stat. 83.)

§ 154. Unlawful intrusion, or violation of rules and regulations

All persons who shall unlawfully intrude upon said reserve, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in a sum not more than $1,000, or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

(Mar. 22, 1906, ch. 1127, § 4, 34 Stat. 83.)

CHAPTER 4—SAINT ELIZABETHS HOSPITAL

SUBCHAPTER I—ESTABLISHMENT AND MANAGEMENT; PENSIONS, MONEYS, AND APPROPRIATIONS

Sec.
161. Establishment.
162, 163. Repealed.
164. Omitted.
165. Superintendent; disbursing agent; pension money of inmates.
166. Deputy disbursing agent; appointment; powers.
167. Repealed.
168. Readjustment of salaries; credit to accounts of disbursing agent.
168a. Payment by executive departments for care of patients for whom responsible.
169. Disposition of money paid for care of patients.
169a. Facilities for feeding employees and others; disposition of proceeds.
170. Disbursement of appropriations for insane.
171. Determining per capital cost of patients.
172. Sale of surplus products and waste materials.
173, 174. Repealed.
175. Telephone system.
176. Disposition of articles made by patients.
177. Disposition of moneys belonging to deceased inmates; claims thereto.
178, 179. Repealed.
180. American Red Cross buildings on hospital reservation.
181. Gifts; acceptance by Secretary of Health, Education, and Welfare.
182. Gifts of money; deposit, investment, and expenditure of income.
183. Intangible personalty; deposit, liquidation, and expenditure of income.
184. Realty or tangible personalty; use, lease, liquidation, etc.
185. Appropriations, availability for various expenditures.

SUBCHAPTER II—INMATES; BURDEN OF EXPENSES THEREOF; DENTENTION OF INSANE

191. Admission; insane persons of Army, Navy, Air Force, Marine Corps, and Coast Guard.
191a. Repealed.
192. Admission; insane prisoners of war and interned persons.
193. Repealed.
194. Admission of insane inmates of Soldiers' and Airmen's Home.
195. Admission of insane inmates of National Home for Disabled Volunteer Soldiers.
195a. Admission of beneficiaries of Bureau of Indian affairs.
196. Transfer of American citizens adjudged insane in Canal Zone.
196a. Repealed.
196b. Transfer of persons adjudged insane in Virgin Islands.
197. Contracts for care, maintenance, and treatment of insane members of Army.

Sec.
198. Care of insane natives of Philippine Islands serving in Army.
199. Transfer of insane from military hospitals to nearest public hospitals.
200. Transfer of part of appropriations to public hospitals for support of patients.
201 to 204. Omitted.
205. Repealed.
206, 206. Omitted.
208 to 210h. Repealed.
211. Admission of insane persons accused of crime.
211a. Admission of insane convicts.
211b. Insane persons accused of crime; delivery to court on restoration to sanity.
212. Transfer of insane convicts.
213. Accommodation of insane convict in State asylums; compensation.
214. Return to prison on restoration to sanity.
215 to 220. Omitted.
221. Discharge of patients on bond.
222. Omitted.

SUBCHAPTER I—ESTABLISHMENT AND MANAGEMENT; PENSIONS, MONEYS, AND APPROPRIATIONS

§ 161. Establishment

There shall be in the District of Columbia a Government hospital for the insane, which shall be known and designated as Saint Elizabeths Hospital, and its objects shall be the most humane care and enlightened curative treatment of the insane of the District of Columbia.

(R.S. § 4838; July 1, 1916, ch. 209, § 1, 39 Stat. 309; 1946 Reorg. Plan No. 3, § 201, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098.)

CODIFICATION

R.S. § 4838 was from act Mar. 3, 1855, ch. 199, § 1, 10 Stat. 682.

A provision relating to the treatment of the insane of the Army and Navy of the United States was omitted from the text pursuant to section 201 of Reorg. Plan No. 3 of 1946 which transferred the functions of the hospital relating to such persons to the Secretary of War [now Army] and the Secretary of the Navy. See Transfer of Functions note set out under section 191 of this title.

TRANSFER OF FUNCTIONS

Saint Elizabeths Hospital in the Department of Interior and its functions were transferred to the Federal Security Agency, to be administered under the direction and supervision of the Federal Security Administrator by Reorg. Plan No. IV of 1940, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236, set out in the Appendix to Title 5, Government Organization and Employees. The Federal Security Agency and the office of Administrator were abolished and all functions transferred to the Department of Health, Education, and Welfare and the office of the Secretary by Reorg. Plan No. 1 of 1953, §§ 5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5.

§§ 162, 163. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section 162, R.S. § 4840; July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to the appointment of a Board of Visitors for St. Elizabeths Hospital.

Section 163, R.S. § 4841, related to the selection of a president of the Board of Visitors for St. Elizabeths Hospital.

§ 164. Omitted

CODIFICATION

Section, R.S. § 4842; July 1, 1916, ch. 209, § 1, 39 Stat. 309; Reorg. Plan No. IV of 1940, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236, along with sections 162 and 163 of this title, provided for the appointment, powers and duties of the Board of Visitors of Saint Elizabeths Hospital. This Board of Visitors and its functions were abolished by Reorg. Plan No. 2, of 1946, § 9, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1096, set out in the Appendix to Title 5, Government Organization and Employees.

§ 165. Superintendent; disbursing agent; pension money of inmates

The chief executive officer of Saint Elizabeths Hospital shall be a superintendent, who shall be appointed by the Secretary of Health, Education, and Welfare. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the Secretary of Health, Education, and Welfare, appoint a responsible disbursing agent for the institution, and the said superintendent shall engage and discharge all needful and useful employees in the care of the insane and all laborers on the farm and determine their wages and duties. The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for Saint Elizabeths Hospital, or otherwise received for the purposes of the hospital, and all moneys received by the superintendent in behalf of the hospital or its patients, and keep an accurate account or accounts thereof. The said disbursing agent shall deposit in the Treasury of the United States, under the direction of the superintendent, all funds now in the hands of the superintendent or which may be intrusted to him by or for the use of patients, which will be kept in a separate account; and the said disbursing agent is authorized to draw therefrom, under the direction of the said superintendent, from time to time, under such regulations as the Secretary of Health, Education, and Welfare may prescribe, for the use of such patients, but not to exceed for any one patient the amount intrusted to the superintendent on account of such patient. During the time that any pensioner shall be an inmate of Saint Elizabeths Hospital all money due or becoming due upon his or her pension shall be paid by the Veterans' Administration to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be prescribed by the Secretary of Health, Education, and Welfare, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the

pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided*, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers any pension money to his credit at said home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as provided in this section, and in case of his return from said hospital to the home any balance to his credit at said hospital shall in like manner be transferred to said home, to be expended in accordance with the rules established in regard thereto.

(R.S. § 4839; Feb. 2, 1909, ch. 58, § 1, 35 Stat. 592; Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1422; Aug. 17, 1912, ch. 301, § 1, 37 Stat. 312; July 1, 1916, ch. 209, § 1, 39 Stat. 309; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1946 Reorg. Plan No. 2, § 9, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1096; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; June 6, 1972, Pub. L. 92-310, title II, § 228(b), 86 Stat. 207.)

CODIFICATION

R.S. § 4839 was from act Mar. 3, 1855, ch. 199, § 3, 10 Stat. 682.

Reference to the Board of Visitors of the hospital was omitted from the text pursuant to section 9 of Reorg. Plan No. 2 of 1946, set out in the Appendix to Title 5, Government Organization and Employees, which abolished the Board of Visitors and its functions.

AMENDMENTS

1972—Pub. L. 92-310 eliminated provisions which required the chief executive officer and disbursing agent to give bonds for the faithful performance of their duties.

CHANGE OF NAME

The name of the Government Hospital for the Insane in the District of Columbia was changed to Saint Elizabeths Hospital by section 1 of act July 1, 1916.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education and Welfare, see Transfer of Functions note set out under section 161 of this title.

"Veterans' Administration" was substituted for "pension agent" pursuant to act July 3, 1930, ch. 863, § 1, 46 Stat. 1016. See Transfer of Functions note set out under section 52 of this title.

The functions of the disbursement of money of all agencies, except as to the Department of the Army, Navy Department, and Panama Canal, were transferred to the Division of Disbursements in the Treasury Department by Ex. Ord. No. 6166, § 4, June 10, 1933, as amended by Ex. Ord. No. 6728, May 29, 1934, set out as a note under section 901 of Title 5, Government Organization and Employees. The Division of Disbursement was consolidated in the Fiscal Service by Reorg. Plan No. III of 1940, § 1(a)(1), June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to title 5.

CROSS REFERENCES

Pension money and personal funds of patients, Saint Elizabeths Hospital, to be held in Treasury as trust funds, see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 168 of this title.

§ 166. Deputy disbursing agent; appointment; powers

Authority is granted to appoint a deputy disbursing agent who shall have the same power as the disbursing agent during the absence of that officer.

(June 5, 1920, ch. 235, § 1, 41 Stat. 920; June 6, 1972, Pub. L. 92-310, title II, § 228(c), 86 Stat. 207.)

AMENDMENTS

1972—Pub. L. 92-310 eliminated provisions which required the deputy disbursing agent to give a bond.

TRANSFER OF FUNCTIONS

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

§ 167. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644

Section, act July 19, 1919, ch. 24, § 1, 41 Stat. 205, authorized the Secretary of the Interior to adjust the compensation of officers and employees of Saint Elizabeths Hospital.

§ 168. Readjustment of salaries; credit to accounts of disbursing agent

The General Accounting Office is authorized to credit the accounts of the special disbursing agent of Saint Elizabeths Hospital with such amounts as he may pay in carrying out the provision of section 167 of this title relating to the readjustment of salaries at the hospital, and the schedule of salaries and allowances for maintenance, where the latter is not provided by the hospital, approved by the Secretary of the Interior August 1 and November 25, 1919, respectively, or as may be modified by the Secretary of Health, Education, and Welfare, notwithstanding the Act of Apr. 6, 1914, or section 165 of this title.

(Mar. 6, 1920, ch. 94, § 1, 41 Stat. 513; June 10, 1921, ch. 18, § 304, 42 Stat. 24; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

REFERENCES IN TEXT

Section 167 of this title, referred to in text, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644.

The Act of April 6, 1914, referred to in text, is act Apr. 6, 1914, ch. 52, 38 Stat. 312, which, to the extent classified to the Code, enacted sections 55 and 74 of former Title 5, Executive Departments and Government Officers and Employees, and section 114 of Title 48, Territories and Insular Possessions. Section 55 of former title 5 was superseded (on authority of act June 24, 1948, ch. 632, § 6, 62 Stat. 688) by section 55a of former title 5. See now section 3109(b) of Title 5, Government Organization and Employees. Section 74 of former title 5 was superseded by act June 9, 1949,

ch. 185, 63 Stat. 166, known as the Travel Expense Act of 1949. See now section 5702(a) of Title 5, Government Organization and Employees. Section 114 of Title 48 has been omitted from the Code.

CODIFICATION

"The General Accounting Office" was substituted in text for "the accounting officers of the Treasury" on authority of act June 10, 1921, which transferred the duties of Treasury accounting officers to the General Accounting Office.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 168a. Payment by executive departments for care of patients for whom responsible

Any executive department of the Federal Government (including any agency, independent establishment, or wholly owned instrumentality thereof, and including the District of Columbia) requiring Saint Elizabeths Hospital to care for patients for whom such department is responsible, shall, except to the extent that the expense of such care is authorized to be paid from appropriations to the hospital for the care of patients, pay by check to Saint Elizabeths Hospital, upon the Superintendent's request, either in advance or by way of reimbursement at the end of each calendar month or calendar quarter, such amounts as the Superintendent calculates to be due for such care on the basis of a per diem rate approved by the Office of Management and Budget. Bills rendered by the Superintendent on the basis of such calculations shall not be subject to audit or certification in advance of payment; but proper adjustment of amounts which have been paid in advance on the basis of such calculations shall be made monthly or quarterly, as may be agreed upon by the Superintendent of the hospital and the executive department concerned.

(Aug. 4, 1947, ch. 478, § 2, 61 Stat. 751; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

CODIFICATION

Section is also set out in the District of Columbia Code, § 32-406a.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by Reorg. Plan No. 2 of 1970, § 101, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Reorg. Plan No. 2 of 1970, § 102, redesignated the Bureau of the Budget as the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget, as Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively. Reorg. Plan No. 2 of 1970, § 103, transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget. See Part I of Reorganization Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

DELEGATION OF FUNCTIONS

Authority of the Secretary of Health, Education, and Welfare under this section to fix per diem rates for care of patients in Saint Elizabeths Hospital delegated to the Secretary of Health, Education, and Welfare, see Ex. Ord. No. 11609, § 3(2), July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 169. Disposition of money paid for care of patients

All sums paid to the Superintendent of Saint Elizabeths Hospital for the care of patients shall be deposited in the Treasury to the credit of the appropriation for the care of patients at the hospital for the year in which such care is provided.

(Aug. 4, 1947, ch. 478, § 3, 61 Stat. 751.)

CODIFICATION

Section is also set out in District of Columbia Code, § 32-403.

TRANSFER OF FUNCTIONS

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following acts:

July 8, 1947, ch. 210, title II, § 201, 61 Stat. 272.
July 26, 1946, ch. 672, title II, § 201, 60 Stat. 293.
July 3, 1945, ch. 263, title II, 59 Stat. 372.
June 28, 1944, ch. 302, title II, 58 Stat. 561.
July 12, 1943, ch. 221, title II, 57 Stat. 509.
July 2, 1942, ch. 475, title II, 56 Stat. 585.
July 1, 1941, ch. 269, title II, 55 Stat. 493.
June 18, 1940, ch. 395, § 1, 54 Stat. 460.
May 10, 1939, ch. 119, § 1, 53 Stat. 737.
May 9, 1938, ch. 187, § 1, 52 Stat. 341.
Aug. 9, 1937, ch. 570, § 1, 50 Stat. 615.
June 22, 1936, ch. 691, § 1, 49 Stat. 1802.
May 9, 1935, ch. 101, § 1, 49 Stat. 215.
Mar. 2, 1934, ch. 38, § 1, 48 Stat. 394.
Feb. 17, 1933, ch. 98, § 1, 47 Stat. 856.
Apr. 22, 1932, ch. 125, § 1, 47 Stat. 131.
Feb. 14, 1931, ch. 187, § 1, 46 Stat. 1159.
May 14, 1930, ch. 273, § 1, 46 Stat. 324.
Mar. 4, 1929, ch. 705, § 1, 45 Stat. 1605.
Mar. 7, 1928, ch. 137, § 1, 45 Stat. 242.
Jan. 12, 1927, ch. 27, § 1, 44 Stat. 970.
May 10, 1926, ch. 277, § 1, 44 Stat. 494.
Mar. 3, 1925, ch. 462, 43 Stat. 1183.
June 5, 1924, ch. 264, 43 Stat. 429.

§ 169a. Facilities for feeding employees and others; disposition of proceeds

The Superintendent of Saint Elizabeths Hospital is authorized to operate and maintain at the hospital necessary facilities for feeding employees and others (at not less than cost, as determined by the Secretary of Health, Education, and Welfare), and the proceeds from such operation shall be deposited in the Treasury to the credit of the appropriation for the operation of Saint Elizabeths Hospital.

(Aug. 4, 1947, ch. 478, § 4, 61 Stat. 751; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

§ 170. Disbursement of appropriations for insane

All appropriations of money by Congress for the support of Saint Elizabeths Hospital shall be drawn from the Treasury on the requisition of the Secretary of Health, Education, and Welfare, and shall be disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money.

(R.S. § 4858; July 1, 1916, ch. 209, § 1, 39 Stat. 309; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

CODIFICATION

R.S. § 4858 was from act Mar. 3, 1855, ch. 199, § 7, 10 Stat. 683.

CHANGE OF NAME

The name of the Government Hospital for the Insane in the District of Columbia was changed to Saint Elizabeths Hospital by section 1 of act July 1, 1916.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

§ 171. Determining per capita cost of patients

In determining the per capita cost of maintenance and treatment of patients in Saint Elizabeths Hospital the expenditures for repair of buildings, roadways, and walks shall be included.

(Aug. 24, 1912, ch. 355, § 1, 37 Stat. 461; July 1, 1916, ch. 209, § 1, 39 Stat. 309.)

CHANGE OF NAME

The name of the Government Hospital for the Insane in the District of Columbia was changed to Saint Elizabeths Hospital by section 1 of act July 1, 1916.

§ 172. Sale of surplus products and waste materials

The surplus products and waste material of the hospital may be sold or exchanged for the benefit of the hospital, and proceeds to be used and accounted for the same as its other funds.

(Aug. 7, 1882, ch. 433, § 1, 22 Stat. 330.)

TRANSFER OF FUNCTIONS

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

§§ 173, 174. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(20), (21), 63 Stat. 400, eff. July 1, 1949, renumbered Sept. 5, 1950, ch. 849, § 6(a)(b), 64 Stat. 583

Section 173, act Aug. 1, 1914, ch. 223, § 1, 38 Stat. 649, related to sale or exchange of typewriter machines and other equipment. See section 481 et seq. of Title 40, Public Buildings, Property, and Works.

Section 174, act June 12, 1917, ch. 27, § 1, 40 Stat. 153, related to exchange of laundry machines and other equipment. See section 481 et seq. of Title 40.

§ 175. Telephone system

Rental for a system of telephones connecting the superintendent's, physicians', and employees' quarters at the hospital with other locations on the hospital grounds may be paid from the appropriations for the support of the hospital.

(Apr. 17, 1917, ch. 3, § 1, 40 Stat. 19.)

TRANSFER OF FUNCTIONS

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

§ 176. Disposition of articles made by patients

The Secretary of Health, Education, and Welfare is authorized to make regulations governing the disposal of articles produced by patients of Saint Elizabeths Hospital in the course of their curative treatment, either by allowing the patient to retain same or by selling the articles and depositing the money received to the credit of the appropriation from which the materials for making the articles were purchased.

(Mar. 6, 1920, ch. 94, § 1, 41 Stat. 513; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

§ 177. Disposition of moneys belonging to deceased inmates; claims thereto

All moneys belonging to deceased inmates of Saint Elizabeths Hospital and deposited in the Treasury by the disbursing agent as agent, shall be covered into the Treasury unless claimed by his or her legal heirs within five years from the death of the inmate. And the Superintendent of Saint Elizabeths Hospital is authorized and directed, under such regulations as may be prescribed by the Secretary of Health, Education, and Welfare, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his or her legal heirs. Claims may be presented at any time, and when established by competent proof in any case more than five years after the death of an inmate shall be certified to Congress for consideration.

(June 30, 1906, ch. 3914, § 1, 34 Stat. 730; Feb. 2, 1909, ch. 58, § 1, 35 Stat. 592; July 1, 1916, ch.

209, § 1, 39 Stat. 309; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

CODIFICATION

Section originally contained a provision relating to moneys belonging to deceased inmates and unclaimed by the appropriate legal heirs within five years after June 30, 1906, which was omitted from the text as obsolete.

CHANGE OF NAME

The name of the Government Hospital for the Insane in the District of Columbia was changed to Saint Elizabeths Hospital by section 1 of act July 1, 1916.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

Transfer of disbursement functions of all Government agencies with certain exceptions of the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

CROSS REFERENCES

Funds of inmates to be held in trust, see sections 725p and 725s of Title 31, Money and Finance.

§ 178. Repealed. Oct. 31, 1951, ch. 654, § 1(46), 65 Stat. 703

Section, act Oct. 6, 1917, ch. 79, § 1, 40 Stat. 373, related to revocable permit to hospital to use certain lands.

§ 179. Repealed. Aug. 7, 1946, ch. 770, § 1(59), 60 Stat. 871

Section, acts June 4, 1880, ch. 121, § 1, 21 Stat. 156; July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to annual report of Superintendent to Congress.

Prior to this repeal, 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236, set out in the Appendix to Title 5, Government Organization and Employees, directed that the annual report required by this section be submitted through the Federal Security Administrator.

§ 180. American Red Cross buildings on hospital reservation

The Secretary of Health, Education, and Welfare is authorized to permit the American Red Cross to construct or have constructed upon the Saint Elizabeths Hospital reservation in the District of Columbia such building or buildings as he may deem advisable to be used by the American Red Cross in cooperation with the superintendent of such hospital in providing recreational facilities and activities for the patients and personnel of such hospital. Any amounts appropriated and any other moneys made available for the operation and maintenance of the Saint Elizabeths Hospital may be used for the provision of necessary heat, light, water, telephone, and other facilities incidental to the work of the American Red Cross among the patients of the institution.

(May 9, 1941, ch. 101, 55 Stat. 186; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

§ 181. Gifts; acceptance by Secretary of Health, Education, and Welfare

The Secretary of Health, Education, and Welfare is authorized to accept on behalf of the United States gifts made unconditionally by will or otherwise for the improvement, maintenance, or operation of Saint Elizabeths Hospital in the District of Columbia. Conditional gifts may be so accepted if recommended by the Surgeon General of the Public Health Service, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, but no gift shall be accepted which is conditioned upon any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

(Nov. 7, 1941, ch. 469, § 1, 55 Stat. 760; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

CODIFICATION

Section is also set out in District of Columbia Code, § 32-408.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

ABOLITION OF OFFICE OF SURGEON GENERAL

The Office of the Surgeon General was abolished by Reorg. Plan No. 3 of 1966, § 3, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, and all functions thereof were transferred to the Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, § 1, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 183, 184 of this title.

§ 182. Gifts of money; deposit, investment, and expenditure of income

Any unconditional gift of money accepted pursuant to the authority granted in section 181 of this title, the net proceeds from the liquidation (pursuant to section 183 or section 184 of this title) of any other property so accepted, and the proceeds of insurance on any such gift property not used for its restoration, shall be deposited in the Treasury of the United States and are appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of Saint Elizabeths Hospital, and he may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The income from such investments shall be available for expenditure in the improvement, maintenance, or operation of Saint Elizabeths Hospital, subject to the same examination and audit as provided for

appropriations made for Saint Elizabeths Hospital by Congress.

(Nov. 7, 1941, ch. 469, § 2, 55 Stat. 760.)

CODIFICATION

Section is also set out in District of Columbia Code, § 32-409.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 184 of this title.

§ 183. Intangible personalty; deposit, liquidation, and expenditure of income

The evidences of any unconditional gift of intangible personal property, other than money, accepted pursuant to the authority granted in section 181 of this title shall be deposited with the Secretary of the Treasury and he, in his discretion, may hold them or may liquidate them whenever in his judgment the purposes of the gifts will be served thereby. The income from any such property held by the Secretary of the Treasury shall be available for expenditure as is provided in section 182 of this title.

(Nov. 7, 1941, ch. 469, § 3, 55 Stat. 761.)

CODIFICATION

Section is also set out in District of Columbia Code, § 32-410.

TRANSFER OF FUNCTIONS

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 182 of this title.

§ 184. Realty or tangible personalty; use, lease, liquidation, etc.

The Secretary of Health, Education, and Welfare shall hold any real property or any tangible personal property accepted unconditionally pursuant to the authority granted in section 181 of this title and he shall permit such property to be used for the improvement, maintenance, or operation of Saint Elizabeths Hospital or he may lease or hire such property, and may insure such property, and deposit the income thereof with the Secretary of the Treasury to be available for expenditure as provided in section 182 of this title: *Provided*, That the income from any such real property or tangible personal property shall be available for expenditure in the discretion of the Secretary of Health, Education, and Welfare for the maintenance, preservation, or repair and insurance of such property and that any proceeds from insurance may be used to restore the property insured. Any such property when not required for the improvement or operation of the Saint Elizabeths Hospital may be liquidated by the Secretary of Health, Education, and Welfare whenever in his judgment the purposes of the gifts will be served thereby.

(Nov. 7, 1941, ch. 469, § 4, 55 Stat. 761; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

CODIFICATION

Section is also set out in District of Columbia Code, § 32-411.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 182 of this title.

§ 185. Appropriations, availability for various expenditures

Appropriations for the care of persons in Saint Elizabeths Hospital shall be available for expenditure for furnishing, repairing, and cleaning such wearing apparel as may be prescribed by the superintendent of the hospital, for use by employees in the performance of their official duties; reimbursing employees, subject to regulations of the Secretary of Health, Education, and Welfare, for the cost of repairing or replacing their personal belongings damaged or destroyed by patients while such employees are engaged in the performance of their official duties; expenses incurred in pursuing, identifying, and returning patients who escape from the hospital or from the custody of any employee, including rewards for the capture of such patients; expenses incurred in ascertaining the residence of patients whose care is not, or whose care is no longer, authorized at the hospital, and in returning such patients to their places of residence; expenses incurred in the removal of patients to their friends; and repairs, replacements, and minor improvements to the buildings and grounds of the hospital.

(Aug. 4, 1947, ch. 478, § 5, 61 Stat. 751; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see Transfer of Functions note set out under section 165 of this title.

SUBCHAPTER II—INMATES; BURDEN OF EXPENSES THEREOF; DETENTION OF INSANE

TEMPORARY ADMISSION TO OTHER HOSPITALS

The Federal Security Administrator was authorized to admit, for the duration of World War II and six months thereafter, insane persons (except those from the District of Columbia) to the Public Health Service Hospitals at Lexington, Kentucky, and Fort Worth,

Texas, for care and treatment upon the same terms and conditions as such persons may be entitled to admission to St. Elizabeths Hospital, by Ex. Ord. No. 9079, Feb. 26, 1942, 7 F.R. 1609.

PAYMENT OF EXPENSES

Payment, either in advance or by reimbursement at the end of each month, for the care and treatment of certain insane persons in Public Health Service hospitals may be made to the appropriation for the operation and maintenance of the Public Health Service hospitals from the appropriation for the care and maintenance of patients at Saint Elizabeths Hospital, to the extent deemed necessary and proper by the Federal Security Administrator under Ex. Ord. No. 9079, Feb. 26, 1942, 7 F.R. 1609, as amended by Ex. Ord. No. 9498, Nov. 11, 1944, 9 F.R. 13547.

§ 191. Admission; insane persons of Army, Navy, Air Force, Marine Corps, and Coast Guard

The superintendent, upon the order of the Secretary of the Army, of the Secretary of the Navy, of the Secretary of the Air Force, and of the Secretary of Transportation, respectively, shall receive, and keep in custody until they are cured, or removed by the same authority which ordered their reception, insane persons of the following descriptions:

First. Insane persons belonging to the Army, Navy, Air Force, Marine Corps, and Coast Guard.

Second. Civilians employed in the Quartermaster Corps of the Army who may become insane while in such employment.

Third. Men who, while in the service of the United States, in the Army, Navy, Air Force, or Marine Corps, have been admitted to the hospital, and have been thereafter discharged from it on the supposition that they have recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge, and have no adequate means of support.

Fourth. Indigent insane persons who have been in either of the said services and been discharged therefrom on account of disability arising from such insanity.

Fifth. Indigent insane persons who have become insane within three years after their discharge from such service, from causes which arose during and were produced by said service.

(R.S. § 4843; Feb. 9, 1900, ch. 13, 31 Stat. 7; Aug. 24, 1912, ch. 391, § 3, 37 Stat. 591; Oct. 15, 1966, Pub. L. 89-670, § 6(b), 80 Stat. 937.)

CODIFICATION

R.S. § 4843 was from acts June 1, 1860, ch. 66, § 1, 12 Stat. 23; July 13, 1866, ch. 179, §§ 1, 2, 14 Stat. 93, 94.

References to the Air Force and Secretary of the Air Force were inserted on the authority of act July 26, 1947, ch. 343, title II, § 207(a), (f), 61 Stat. 502, which established a separate Department of the Air Force. Section 207(a), (f) of act July 26, 1947 was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. Section 1 of act Aug. 10, 1956 enacted "Title 10, Armed Forces", which in sections 8010 to 8013 continued the Department of the Air Force under the administrative supervision of a Secretary of the Air Force.

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, § 6(b), Oct. 15, 1966, 80 Stat. 937. See section 1655 of Title 49, Transportation. Accordingly Secretary of Transportation was substituted for Secretary of the Treasury.

Act Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561, repealed act Jan. 28, 1915, ch. 20, 38 Stat. 800. Section 1 of act Jan. 28, 1915, established the Coast Guard in place of the Life Saving Service and the Revenue Cutter Service. Substitution of Coast Guard for Revenue Cutter Service was accordingly made in par. First. Section 1 of act Aug. 4, 1949, ch. 393, 63 Stat. 495, reestablished the Coast Guard.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

REPEALS

The fifth provision of this section is considered by the Judge Advocate General as repealed by section 717 of Title 38, Pensions, Bonuses, and Veterans' Relief. JAG 705, January 24, 1934.

TRANSFER OF FUNCTIONS

For transfer from the Secretary of the Army to the Secretary of the Air Force of certain functions relating to the Medical Department, United States Army, insofar as they pertain to the Air Force, see Secretary of Defense Transfer Order Nos. 36, May 12, 1949, and 40 [App. B(76)], July 22, 1949.

This section was affected by Reorg. Plan No. 3 of 1946, § 201, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098, which provided:

"Section 201. *Functions with respect to certain insane persons.*

"(a) The functions of St. Elizabeths Hospital and the Superintendent thereof, and of the Federal Security Agency and the Federal Security Administrator, with respect to the care, treatment, and custody of insane persons, as provided in section 4843 of the Revised Statutes (24 U.S.C. 191), are hereby transferred or abolished as follows:

"(1) Functions with respect to insane persons belonging to the Army or falling, by reason of employment or service in the Army, within any of the categories enumerated in said section, are transferred to the Secretary of War [now the Secretary of the Army] and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of the Army as he may designate.

"(2) Functions with respect to insane persons belonging to the Navy or falling, by reason of prior service in the Navy, within any of the categories enumerated in said section, are transferred to the Secretary of the Navy and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of the Navy as he may designate. (For the purposes of this subpar. (2), the Marine Corps but not the Coast Guard is included in the Navy.)

"(3) Functions with respect to insane persons belonging to the Coast Guard are abolished.

"(b) Nothing in subsection (a) of this section shall affect the functions and authority of St. Elizabeths Hospital, the Superintendent thereof, the Federal Security Agency, or the Federal Security Administrator, with respect to any person heretofore admitted to St. Elizabeths Hospital and a patient therein on the effective date of this plan under the provisions of section 4843 of the Revised Statutes [this section], or the functions and authority of said officers and agencies or of the Public Health Service with respect to Coast Guard members as beneficiaries of the Public Health Service, as provided by section 504 of the Public Health Service Act (58 Stat. 710, 42 U.S.C. 222)."

§ 191a. Repealed. Pub. L. 86-571, § 10(a), July 5, 1960, 74 Stat. 310

Section, act Oct. 29, 1941, ch. 462, 55 Stat. 756, authorized admission to Saint Elizabeths Hospital of Foreign Service personnel adjudged insane in a foreign country, and is now covered by section 321 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Section 10 of Pub. L. 86-571 provided in part that the repeal of this section and section 196a of this title shall be effective upon the date of enactment of legislation appropriating funds for carrying out section 321 et seq. of this title.

§ 192. Admission; insane prisoners of war and interned persons

Interned persons and prisoners of war, under the jurisdiction of the Navy Department, or the Department of the Army, who are or may become insane, shall be entitled to admission for treatment to Saint Elizabeths Hospital.

(July 1, 1916, ch. 209, § 1, 39 Stat. 309; Aug. 29, 1916, ch. 417, 39 Stat. 558; Oct. 6, 1917, ch. 79, § 1, 40 Stat. 373.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

TRANSFER OF FUNCTIONS

Functions with respect to insane persons belonging to the Army and Navy transferred to the Secretary of the Army and the Secretary of the Navy, see Reorg. Plan No. 3 of 1946, § 201, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098, set out as a note under section 191 of this title.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of the provision of act Aug. 29, 1916, ch. 417, 39 Stat. 558, from which this section was partially derived, for the admission for treatment of interned persons and prisoners of war, under the jurisdiction of the Navy Department, to the Government Hospital for the Insane (now Saint Elizabeths Hospital), the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

§ 193. Repealed. July 1, 1944, ch. 373, title XIII, § 1313, 58 Stat. 714

Section, acts Mar. 3, 1875, ch. 156, § 5, 18 Stat. 486; July 1, 1902, ch. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, ch. 288, § 1, 37 Stat. 309; July 1, 1916, ch. 209, § 1, 39 Stat. 309; July 1, 1918, ch. 113, § 1, 40 Stat. 644; 1939 Reorg. Plan No. I, §§ 201, 205, eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1424, 1425; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236, which provided for the admission of insane patients of Public Health Service to Saint Elizabeths Hospital, is now covered by section 222 of Title 42, The Public Health and Welfare.

RENUMBERING OF REPEALING ACT

For renumbering of act July 1, 1944, which repealed this section, see note set out under sections 1, 2 of this title.

§ 194. Admission of insane inmates of Soldiers' and Airmen's Home

Any inmate of the Soldiers' and Airmen's Home who may become insane shall, upon an order of the president of the Board of Commissioners of the Soldiers' and Airmen's Home, be admitted to Saint Elizabeths Hospital and treated therein; and the expenses of maintaining any such person shall be paid from the Soldiers' and Airmen's Home fund.

(July 7, 1884, ch. 332, 23 Stat. 213; July 1, 1916, ch. 209, § 1, 39 Stat. 309.)

CHANGE OF NAME

The United States Soldiers' Home was renamed the United States Soldiers' and Airmen's Home, effective Sept. 7, 1972. See 37 F.R. 23533, Nov. 4, 1972.

TRANSFER OF FUNCTIONS

Functions with respect to insane persons belonging to the Army and Navy transferred to the Secretary of the Army and the Secretary of the Navy, see Reorg. Plan No. 3 of 1946, § 201, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098, set out as a note under section 191 of this title.

§ 195. Admission of insane inmates of National Home for Disabled Volunteer Soldiers

Any inmate of the National Home for Disabled Volunteer Soldiers who may become insane shall, upon an order of the Administrator of Veterans' Affairs, be admitted to Saint Elizabeths Hospital and treated therein.

(Aug. 7, 1882, ch. 433, § 1, 22 Stat. 330; Feb. 20, 1905, ch. 593, 33 Stat. 731; July 1, 1916, ch. 209, § 1, 39 Stat. 309; July 3, 1930, ch. 863, § 2, 46 Stat. 1016.)

TRANSFER OF FUNCTIONS

"Administrator of Veterans' Affairs" was substituted for "Board of Managers of the said National Home" pursuant to act July 3, 1930. See Transfer of Functions note set out under section 52 of this title.

§ 195a. Admission of beneficiaries of Bureau of Indian Affairs

The Secretary of Health, Education, and Welfare is authorized to admit to Saint Elizabeths Hospital in the District of Columbia, for care and treatment, upon application of the Secretary of the Interior, beneficiaries of the Bureau of Indian Affairs. The cost of such care and treatment shall be paid for by the Bureau of Indian Affairs.

(Aug. 4, 1947, ch. 478, § 1, 61 Stat. 751; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

§ 196. Transfer of American citizens adjudged insane in Canal Zone

Upon the application of the Governor of the Canal Zone, the Secretary of Health, Education, and Welfare may transfer to Saint Elizabeths Hospital, in the District of Columbia, for treatment, any American citizen subject to a hospitalization order issued under section 1637

of title 5 of the Canal Zone Code, whose legal residence in one of the States, territories, the Commonwealth of Puerto Rico or the District of Columbia for the purpose of eligibility for public medical care it has been impossible to establish. Upon the ascertainment of the legal residence of persons so transferred to Saint Elizabeths Hospital, the superintendent of that hospital shall thereupon transfer them to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of Saint Elizabeths Hospital.

(June 12, 1917, ch. 27, § 1, 40 Stat. 179; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 18, 1962, Pub. L. 87-845, § 6, 76A Stat. 699.)

AMENDMENTS

1962—Pub. L. 87-845 substituted "Governor of the Canal Zone" for "Governor of the Panama Canal", "Secretary of Health, Education, and Welfare" for "Secretary of the Interior", and provisions authorizing transfer of any American citizen subject to a hospitalization order issued under section 1637 of title 5 of the Canal Zone Code for provisions which permitted transfer of citizens legally adjudged insane in the Canal Zone, and included legal residence in the Commonwealth of Puerto Rico.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-845 effective Jan. 2, 1963, see section 25 of Pub. L. 87-845, set out as an Effective Date of 1962 Amendment note under section 14 of Title 18, Crimes and Criminal Procedure.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

§ 196a. Repealed. Pub. L. 86-571, § 10(b), July 5, 1960, 74 Stat. 310

Section, acts Mar. 2, 1929, ch. 509, 45 Stat. 1495; June 25, 1936, ch. 804, 49 Stat. 1921, authorized the transfer to Saint Elizabeths Hospital of American citizens adjudged insane in Canada, and is now covered by section 321 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal of section effective upon the date of enactment of legislation appropriating funds for carrying out section 321 et seq. of this title, see Effective Date of Repeal note set out under section 191a of this title.

§ 196b. Transfer of persons adjudged insane in Virgin Islands

Upon the application of the Governor of the Virgin Islands, the Secretary of Health, Education, and Welfare is authorized to transfer to Saint Elizabeths Hospital in the District of Columbia for treatment (1) Persons who are permanent residents of the Virgin Islands of the United States and who (A) are citizens or nationals of the United States or nondeportable aliens and (B) have been legally adjudged to be insane in the Virgin Islands or while temporarily in another insular possession or a Territory of the United States or in the continental United States; and (2) persons who are present in but not permanent residents of the Virgin Islands and (A) have been legally adjudged to be insane in the Virgin Islands, (B) are citizens or nationals of the United States or nondeportable aliens, and (C) are persons whose legal residence in one of the States or Territories of the United States or the District of Columbia it has been impossible to establish. The expense of treatment and care may be paid from the appropriation for the support of the hospital.

Upon the ascertainment of the legal residence of persons who have been transferred to Saint Elizabeths Hospital and who are not permanent residents of the Virgin Islands, the Superintendent of the hospital shall transfer such persons to their respective places of residence, and the expense of transfer shall be paid from the appropriation for the support of the hospital.

(July 18, 1940, ch. 638, 54 Stat. 766; July 18, 1950, ch. 464, § 1, 64 Stat. 343; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

AMENDMENTS

1950—Act July 18, 1950, authorized the transfer to St. Elizabeths Hospital of insane patients in the Virgin Islands who are legal residents of the islands but who are not American citizens.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

§ 197. Contracts for care, maintenance, and treatment of insane members of Army

The Secretary of the Army may, in his discretion, contract for the care, maintenance, and treatment of the insane of the Army in all cases which he was, on March 3, 1901, authorized by law to cause to be sent to Saint Elizabeths Hospital in the District of Columbia.

(Mar. 3, 1901, ch. 853, § 1, 31 Stat. 1163; July 1, 1916, ch. 209, § 1, 39 Stat. 309; Sept. 2, 1958, Pub. L. 85-857, § 13(b), 72 Stat. 1264.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

AMENDMENTS

1958—Pub. L. 85-857 eliminated provisions which authorized the Secretary of the Army to contract for the care, maintenance, and treatment of inmates of the National Home for Disabled Volunteer Soldiers on the Pacific Coast at any State asylum in California.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-857 effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as an Effective Date note preceding Part I of Title 38, Veterans' Benefits.

TRANSFER OF FUNCTIONS

For transfer from the Secretary of the Army to the Secretary of the Air Force of certain functions relating to the Medical Department, United States Army, insofar as they pertain to the Air Force, see Secretary of Defense Transfer Order Nos. 36, May 12, 1949, and 40 [App. B(77)], July 22, 1949.

Functions with respect to insane persons belonging to the Army and Navy transferred to the Secretary of

the Army and the Secretary of the Navy, see Reorg. Plan No. 3 of 1946, § 201, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098, set out as a note under section 191 of this title.

§ 198. Care of insane natives of Philippine Islands serving in Army

The Secretary of the Army may, in his discretion, contract for the care, maintenance, and treatment of the insane natives of the Philippine Islands serving in the Army of the United States at any asylum in the Philippine Islands in all cases which he was, on May 11, 1908, authorized by law to cause to be sent to Saint Elizabeths Hospital in the District of Columbia.

(May 11, 1908, ch. 163, 35 Stat. 122; July 1, 1916, ch. 209, § 1, 39 Stat. 309.)

Change of Name

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

For transfer from the Secretary of the Army to the Secretary of the Air Force of certain functions relating to the Medical Department, United States Army, insofar as they pertain to the Air Force, see Secretary of Defense Transfer Order Nos. 36, May 12, 1949, and 40 [App. B(78)], July 22, 1949.

Transfer of Functions

Functions with respect to insane persons belonging to the Army and Navy transferred to the Secretary of the Army and the Secretary of the Navy, see Reorg. Plan No. 3 of 1946, § 201, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098, set out as a note under section 191 of this title.

Philippine Independence

The Philippine Islands were granted independence pursuant to Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, which was issued under the authority of section 1394 of Title 22, Foreign Relations and Intercourse, and is set out as a note under section 1394 of Title 22.

§ 199. Transfer of insane from military hospitals to nearest public hospitals

The Secretary of the Army is authorized to transfer from any military hospital to the nearest available public hospital for the care of the insane any insane patient who is in need of treatment, preference being given to the hospital nearest to the place of the patient's enlistment. The superintendent of such public hospital shall possess the right to retain the aforementioned class of patients in his hospital in the same manner and to the same extent as was on October 6, 1917, possessed by the superintendent of Saint Elizabeths Hospital.

(Oct. 6, 1917, ch. 79, § 1, 40 Stat. 373.)

Change of Name

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to the Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501. See Change of Name note set out under section 18 of this title.

Transfer of Functions

For transfer from the Secretary of the Army to the Secretary of the Air Force of certain functions relating to the Medical Department, United States Army, insofar as they pertain to the Air Force, see Secretary of Defense Transfer Order Nos. 36, May 12, 1949, and 40 [App. B(79)], July 22, 1949.

Functions with respect to insane persons belonging to the Army and Navy transferred to the Secretary of the Army and the Secretary of the Navy, see Reorg. Plan No. 3 of 1946, § 201, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098, set out as a note under section 191 of this title.

§ 200. Transfer of part of appropriations to public hospitals for support of patients

The superintendent of Saint Elizabeths Hospital, with the approval of the Secretary of Health, Education, and Welfare, shall transfer to the various public hospitals out of the various appropriations made by Congress for the support and treatment of patients in Saint Elizabeths Hospital a sum sufficient to pay for the support and treatment of patients sent to public hospitals as provided in section 199 of this title, based upon the per capita cost of maintenance in Saint Elizabeths Hospital, said payment not to exceed at any time the exact cost of support and treatment of such patients.

(Oct. 6, 1917, ch. 79, § 1, 40 Stat. 373; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1953, Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

Transfer of Functions

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

Functions with respect to insane persons belonging to the Army and Navy transferred to the Secretary of the Army and the Secretary of the Navy, see Reorg. Plan No. 3 of 1946, § 201, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098, set out as a note under section 191 of this title.

§§ 201 to 204. Omitted

Codification

Sections pertained only to the District of Columbia and are set out in Title 32 of the District of Columbia Code.

Section 201, R.S. § 4844; act July 1, 1916, ch. 209, § 1, 39 Stat. 309, provided for admission of indigent insane persons of the District of Columbia. See D.C. Code, § 32-405.

Section 202, acts Mar. 3, 1877, ch. 105, 19 Stat. 347; July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to expense of indigent insane admitted from District of Columbia. See D.C. Code, § 32-401.

Section 203, acts Mar. 3, 1879, ch. 182, § 1, 20 Stat. 395; July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to payment of part of expense from appropriations for District. See D.C. Code, § 32-402.

Section 204, R.S. §§ 4853, 4854; act July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to private patients from the District of Columbia. See D.C. Code, § 32-406.

§ 205. Repealed. Pub. L. 88-597, § 19(d), Sept. 15, 1964, 78 Stat. 953

Section 205, R.S. § 4849; act July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to insane persons from District of Columbia having property. Prior to repeal, section was set out as D.C. Code, § 21-319.

§§ 206, 207. Omitted

CODIFICATION

Section 206, R.S. § 4850, related to admission of nonresidents of District of Columbia.

Section 207, acts Jan. 31, 1899, ch. 78, § 7, 30 Stat. 811; July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to return of nonresident indigent insane in District of Columbia.

Such sections, which had been set out as sections 16 and 17 of Title 16 of the 1929 edition of the D.C. Code, were omitted from the 1940 edition of the D.C. Code as superseded by section 8 of Act Aug. 9, 1939, ch. 620, 53 Stat. 1297 (D.C. Code, § 21-317). The Act of Aug. 9, 1939, was repealed by Pub. L. 88-597, § 19(a), Sept. 15, 1964, 78 Stat. 953.

§§ 208 to 210h. Repealed. Pub. L. 89-183, § 8, Sept. 14, 1965, 79 Stat. 784, 785, 787

Section 208, acts Mar. 3, 1903, ch. 1006, § 1, 32 Stat. 1043; Feb. 23, 1905, ch. 738, § 1, 33 Stat. 740, related to proceedings to determine mental conditions of insane persons in the District of Columbia, and is now covered by section 21-581 of the District of Columbia Code.

Section 209, act Feb. 23, 1905, ch. 738, § 1, 33 Stat. 740, related to a jury trial in proceedings to determine mental conditions of insane persons in the District of Columbia, and is now covered by section 21-581 of the District of Columbia Code.

Section 210, acts Feb. 23, 1905, ch. 738, § 2, 33 Stat. 740; July 1, 1916, ch. 209, § 1, 39 Stat. 309; June 25, 1936, ch. 804, 49 Stat. 1921, related to discharge of insane person from District of Columbia institution as cured, and is now covered in section 21-590 of the District of Columbia Code.

Section 210a, acts Oct. 11, 1949, ch. 672, § 1, 63 Stat. 759; Aug. 30, 1964, Pub. L. 88-505, 78 Stat. 638, related to commitment of certain persons suspected of mental illness, found in areas in Virginia and Maryland under exclusive or concurrent jurisdiction.

Section 210b, act Oct. 11, 1949, ch. 672, § 2, 63 Stat. 760, related to the power of apprehension and detention of certain persons suspected of mental illness.

Section 210c, act Oct. 11, 1949, ch. 672, § 3, 63 Stat. 761, related to admission upon application and release.

Section 210d, act Oct. 11, 1949, ch. 672, § 4, 63 Stat. 761, related to authorization to receive persons for observation and diagnosis.

Section 210e, act Oct. 11, 1949, ch. 672, § 5, 63 Stat. 761, related to examination, proceedings for adjudication, and expense of care and treatment.

Section 210f, act Oct. 11, 1949, ch. 672, § 6, 63 Stat. 761, related to transfer of military personnel apprehended or detained.

Section 210g, act Oct. 11, 1949, ch. 672, § 7, 63 Stat. 761, related to persons entitled to care and treatment in a Veterans' Administration facility.

Section 210h, act Oct. 11, 1949, ch. 672, § 8, 63 Stat. 761, related to payment of expenses of transfer to state hospitals or to the custody of relatives.

Sections are now covered in sections 21-902 to 21-909 of the District of Columbia Code.

EFFECTIVE DATE OF REPEAL

Section 7 of Pub. L. 89-183 provided that Pub. L. 89-183 takes effect on Jan. 1, 1966.

§ 211. Admission of insane persons accused of crime

If any person, charged with crime, be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of Health, Education, and Welfare, who may order such person to be confined in Saint Elizabeths Hospital, and, if he be not indigent, he and his estate shall be charged with expenses of his support in the hospital.

(R.S. § 4851; July 1, 1916, ch. 209, § 1, 39 Stat. 309; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

CODIFICATION

R.S. § 4851 was from act Feb. 7, 1857, ch. 36, § 5, 11 Stat. 158.

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 211a of this title.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 32-407 of the District of Columbia Code.

§ 211a. Admission of insane convicts

Any person becoming insane during the continuance of his sentence in the United States penitentiary shall have the same privilege of treatment in Saint Elizabeths Hospital during the continuance of his mental disorder as is granted in section 211 of this title to persons who escape the consequences of criminal acts by reason of insanity, unless it be the opinion, both of the physician to the penitentiary and the superintendent of the hospital, that such insane convict is so depraved and furious in his character as to render his custody in the hospital insecure, and his example pernicious.

(R.S. § 4852; July 1, 1916, ch. 209, § 1, 39 Stat. 309.)

CODIFICATION

R.S. § 4852 was from act Feb. 7, 1857, ch. 36, § 4, 11 Stat. 157.

Section is also set out in District of Columbia Code § 32-407.

§ 211b. Insane persons accused of crime; delivery to court on restoration to sanity

When any person confined in Saint Elizabeths Hospital charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judge of the criminal court, and deliver him to the court in obedience to the proper precept.

(R.S. § 4855; July 1, 1916, ch. 209, § 1, 39 Stat. 309.)

CODIFICATION

R.S. § 4855 was from act Feb. 7, 1857, ch. 36, § 7, 11 Stat. 158.

§ 212. Transfer of insane convicts

Upon the application of the Attorney General the Secretary of Health, Education, and Welfare is authorized and directed to transfer to Saint Elizabeths Hospital in the District of Columbia all persons who, having been charged with offenses against the United States, are in the actual custody of its officers, and all per-

sons who have been or shall be convicted of any offense in a court of the United States and are imprisoned in any State prison or penitentiary of any State or Territory, and who during the term of their imprisonment have or shall become and be insane.

(June 23, 1874, ch. 465, § 1, 18 Stat. 251; Aug. 7, 1882, ch. 433, § 1, 22 Stat. 330; July 1, 1916, ch. 209, § 1, 39 Stat. 309; 1940 Reorg. Plan No. IV, § 11(a), eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631.)

TRANSFER OF FUNCTIONS

Transfer of Saint Elizabeths Hospital in the Department of Interior and its functions to the Department of Health, Education, and Welfare, see Transfer of Functions note set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 214 of this title.

§ 213. Accommodation of insane convict in State asylums; compensation

In all cases where any person convicted in a court of the United States shall, while imprisoned under such conviction in any State prison or penitentiary, become and be insane, and there shall not be accommodation for such insane person at Saint Elizabeths Hospital, or if for other reasons the Attorney General is of opinion that such insane person should be placed at a State insane asylum rather than at said hospital, then the Attorney General shall have power in his discretion to contract with any State insane or lunatic asylum, within the State in which such convict is imprisoned, for his care and custody while remaining so insane; and in all cases where such convicts shall be transferred to a State asylum for insane convicts, in accordance with the laws of such State, the Attorney General is authorized and directed to compensate the said asylum, or the proper authorities controlling the same, for the care and custody of such insane convicts, until their removal or discharge, in such amounts as he shall deem just and reasonable; but no contract shall be made or compensation paid for the care of such insane person beyond their respective terms of imprisonment.

(June 23, 1874, ch. 465, § 2, 18 Stat. 251; July 1, 1916, ch. 209, § 1, 39 Stat. 309.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 214 of this title.

§ 214. Return to prison on restoration to sanity

Whenever such insane convict shall be restored to sanity, after he or she shall have been transferred under the provisions of sections 212 or 213 of this title, he or she shall be returned to the prison or penitentiary from which the transfer was made, provided the term of imprisonment shall not have expired. The questions of sanity in all cases arising under this section and sections 212 or 213 of this title shall be determined in accordance with the rules and regulations of existing laws, State or national, on that subject, applicable to the prison, penitentiary, or asylum where such convict shall be confined.

(June 23, 1874, ch. 465, § 3, 18 Stat. 252.)

§§ 215 to 220. Omitted

CODIFICATION

Sections pertained only to the District of Columbia.

Section 215, act Apr. 27, 1904, ch. 1618, § 1, 33 Stat. 316, related to apprehension and detention of certain insane persons in District of Columbia.

Section 216, act Apr. 27, 1904, ch. 1618, § 2, 33 Stat. 317, related to arrest at other than public places in District of Columbia.

Section 217, acts Apr. 27, 1904, ch. 1618, § 3, 33 Stat. 317; July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to temporary detention of alleged insane persons found in District of Columbia.

Section 218, acts Apr. 27, 1904, ch. 1618, § 4, 33 Stat. 317; July 1, 1916, ch. 209, § 1, 39 Stat. 309, related to temporary commitment of persons found in District of Columbia to other hospital, or detention in police station.

Section 219, acts Apr. 27, 1904, ch. 1618, § 5, 33 Stat. 318; Aug. 14, 1912, ch. 288, § 1, 37 Stat. 309, related to certificate by physician as to sanity or insanity found in District of Columbia.

Section 220, act Apr. 27, 1904, ch. 1618, § 6, 33 Stat. 318, related to making false affidavit or certificate.

§ 221. Discharge of patients on bond

If any person will give bond with sufficient security, to be approved by the United States District Court for the District of Columbia, or by any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may deliver such insane person to the party giving such bond.

(R.S. § 4856; June 25, 1936, ch. 804, 49 Stat. 1921; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

CODIFICATION

R.S. § 4856 was from act Feb. 7, 1857, ch. 36, § 9, 11 Stat. 158.

Act June 25, 1948, as amended by act May 24, 1949, substituted "United States District Court for the District of Columbia" in lieu of "district court of the United States for the District of Columbia."

Act June 25, 1936, substituted "district court of the United States for the District of Columbia" for "Supreme Court of the District of Columbia".

§ 222. Omitted

CODIFICATION

Section, R.S. § 4857, provided that no insane person not charged with any breach of the peace should ever be confined in the United States jail in the District of Columbia.

CHAPTER 5—THE COLUMBIA INSTITUTION FOR THE DEAF

CODIFICATION

This chapter related only to the District of Columbia. It consisted of sections 231 to 250, which were transferred to the District of Columbia Code and set out as sections 31-1001 to 31-1020. The Columbia Institution for the Deaf was redesignated Gallaudet College by act June 18, 1954, ch. 324, § 1, 68 Stat. 265. Sections 31-1001 to 31-1019 of the District of Columbia Code have been repealed, and provisions relating to Gallaudet College are now covered by section 31-1025 et seq. of the District of Columbia Code.

CHAPTER 6—THE FREEDMEN'S HOSPITAL

CODIFICATION

This chapter related only to the District of Columbia. It consisted of sections 261 to 264, which were transferred to the District of Columbia Code and set out as sections 32-317 to 32-320. Freedmen's Hospital was transferred to Howard University by Pub. L. 87-262, Sept. 21, 1961, 75 Stat. 542, and sections 32-317 to 32-320 have now been omitted from the District of Columbia Code. Pub. L. 87-262 is set out as a note under section 32-317.

CHAPTER 7—NATIONAL CEMETERIES

Sec.
271 to 282. Repealed.
283 to 285. Omitted.
286 to 295. Repealed.
295a. Arlington Memorial Amphitheater.
(a) Recommendations of Secretary of Defense for memorials and entombments.
(b) Specific authorization from Congress.
(c) Character of memorials.
296. Repealed.

TRANSFER OF FUNCTIONS

Section 2 of Ex. Ord. No. 6166, June 10, 1933, as amended by Ex. Ord. No. 6229, July 27, 1934; Ex. Ord. No. 6614, Feb. 26, 1934; Ex. Ord. No. 6690, Apr. 25, 1934, set out as a note to section 901 of Title 5, Government Organization and Employees, transferred all functions of administrator of certain historical national cemeteries located within the continental limits of the United States, including certain cemeteries administered by the War Department to the Director of National Parks, Buildings, and Reservations in the Department of the Interior.

By Ex. Ord. No. 6228, July 28, 1933, also set out as a note to section 901 of Title 5, the operation of Executive Order No. 6166 as to the transfer of the specified national cemeteries was postponed until further order, except with regard to the following cemeteries located within the continental limits of the United States:

NATIONAL MILITARY PARKS

Chickamauga and Chattanooga National Military Park, Georgia and Tennessee.
Fort Donelson National Military Park, Tennessee.
Fredericksburg and Spotsylvania County Battle Fields, Memorial, Virginia.
Gettysburg National Military Park, Pennsylvania.
Guilford Courthouse National Military Park, North Carolina.
Kings Mountain National Military Park, South Carolina.
Moores Creek National Military Park, North Carolina.
Petersburg National Military Park, Virginia.
Shiloh National Military Park, Tennessee.
Stones River National Military Park, Tennessee.
Vicksburg National Military Park, Mississippi.

NATIONAL PARKS

Abraham Lincoln National Park, Kentucky.
Fort McHenry National Park, Maryland.

BATTLEFIELD SITES

Antietam Battlefield, Maryland.
Appomattox, Virginia.
Brices Cross Roads, Mississippi.
Chalmette Monument and Grounds, Louisiana.
Cowpens, South Carolina.
Fort Necessity, Wharton County, Pennsylvania.
Kenesaw Mountain, Georgia.
Monocacy, Maryland.
Tupelo, Mississippi.
White Plains, New York.

NATIONAL MONUMENTS

Big Hole Battlefield, Beaverhead County, Montana.
Cabrillo Monument, Ft. Rosecrans, California.
Castle Pinckney, Charleston, South Carolina.
Father Millet Cross, Fort Niagara, New York.
Fort Marion, St. Augustine, Florida.
Fort Matanzas, Florida.
Fort Pulaski, Georgia.
Meriwether Lewis, Hardin County, Tennessee.
Mound City Group, Chillicothe, Ohio.
Statue of Liberty, Fort Wood, New York.

MISCELLANEOUS MEMORIALS

Camp Blount Tablets, Lincoln County, Tennessee.
Kill Devil Hill Monument, Kitty Hawk, North Carolina.
New Echota Marker, Georgia.
Lee Mansion, Arlington National Cemetery, Virginia.

NATIONAL CEMETERIES

Battleground, District of Columbia.
Antietam, (Sharpsburg) Maryland.
Vicksburg, Mississippi.
Gettysburg, Pennsylvania.
Chattanooga, Tennessee.
Fort Donelson, (Dover) Tennessee.
Shiloh, (Pittsburg Landing) Tennessee.
Stones River, (Murfreesboro) Tennessee.
Fredericksburg, Virginia.
Poplar Grove, (Petersburg) Virginia.
Yorktown, Virginia.

CHANGE OF NAME

The Director of National Parks, Buildings and Reservations was renamed the Director of National Park Service by act Mar. 2, 1934, ch. 38, 48 Stat. 362.

NATIONAL CEMETERIES IN FOREIGN COUNTRIES

The functions of administration pertaining to national cemeteries located in foreign countries, which were transferred to the Department of State, were revoked and the functions of administration pertaining to national cemeteries and memorials located in Europe, together with personnel, records, etc. were transferred to the American Battle Monuments Commission by Ex. Ord. No. 6614, Apr. 25, 1934, set out as a note under section 901 of Title 5, Government Organization and Employees.

§§ 271 to 276. Repealed. Pub. L. 93-43, § 7(a)(1) to (3), (61), June 18, 1973, 87 Stat. 82, 88

Section 271, R.S. § 4870, provided for manner of acquisition of lands.

Section 271a, act June 29, 1938, ch. 808, 52 Stat. 1233, related to State donations of land.

Section 272, R.S. § 4871; act Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided for appraisement of real estate.

Section 273, R.S. § 4872, provided for payment of appraised value.

Section 274, R.S. § 4873, provided for superintendents of cemeteries.

Section 275, acts Mar. 24, 1948, ch. 143, § 1, 62 Stat. 84; Aug. 30, 1961, Pub. L. 87-178, 75 Stat. 411, provided for selection of superintendents.

Section 276, R.S. § 4875; act July 30, 1912, ch. 258, 37 Stat. 240, provided for fuel and quarters for superintendents.

Subject matter is now generally covered by section 1000 et seq. of Title 38, Veterans' Benefits. See sections 1004 and 1006 of Title 38.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Section 7(a) of Pub. L. 93–43 provided in part that sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of this title are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of such section 7.

Section 7 of Pub. L. 93–43 effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veterans' Benefits.

FUNCTIONS, POWERS, AND DUTIES OF SECRETARIES UNAFFECTED

Section 7(b) of Pub. L. 93–43 provided that: "Nothing in this section [repealing sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of this title and enacting provisions set out as a note under sections 271 to 276] shall be deemed to affect in any manner the functions, powers, and duties of—

"(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section [see note hereunder], or

"(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act [set out as a note under section 1004 of Title 38, Veterans' Benefits] do not apply."

§ 277. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 646

Section, acts Feb. 12, 1925, ch. 225, title II, 43 Stat. 926; Apr. 15, 1926, ch. 146, title II, 44 Stat. 288, provided for the appointment and pay of a superintendent of Antietam Battlefield.

§§ 278 to 279d. Repealed. Pub. L. 93–43, § 7(a)(1), (4), (5), (7), June 18, 1973, 87 Stat. 82

Section 278, acts July 24, 1876, ch. 226, § 1, 19 Stat. 99; June 10, 1921, ch. 18, §§ 206, 215, 42 Stat. 21, 23; Sept. 12, 1950, ch. 946, title III, § 301(96), 64 Stat. 844, provided for care and maintenance of cemeteries. Subject matter is now covered by section 1004 (a), (e) of Title 38, Veterans' Benefits.

Section 279, R.S. § 4877, related to inclosure, headstones, and registers. Subject matter is now covered by section 1004 (a), (c), (d) of Title 38.

Section 279a, acts July 1, 1948, ch. 791, § 1, 62 Stat. 1215; Aug. 14, 1958, Pub. L. 85–644, § 1(1), 72 Stat. 601; Aug. 28, 1958, Pub. L. 85–811, 72 Stat. 978, provided for headstones for unmarked graves of Civil War soldiers, members of armed forces, reserve components, National Guard, Air National Guard, and Reserve Officers Training Corps; compilation of list; and inscription of names on Memorial. Subject matter is now covered by sections 906 and 1003 of Title 38.

Section 279b, acts July 1, 1948, ch. 791, § 2, 62 Stat. 1216; Aug. 14, 1958, Pub. L. 85–644, § 1(2), 72 Stat. 602, authorized rules and regulations for the headstones, list, and inscription of names.

Section 279c, act July 1, 1948, ch. 791, § 3, 62 Stat. 1216, related to preservation of records respecting the headstones, list, and inscription of names. Subject matter is now covered by section 1004(d) of Title 38.

Section 279d, acts Aug. 27, 1954, ch. 1013, 68 Stat. 880; July 3, 1956, ch. 509, 70 Stat. 489, provided for markers to honor memory of certain Armed Forces personnel. Subject matter is now covered by section 1003(a), (b) of Title 38.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93–43, see section 7(a) of Pub. L. 93–43, set out as a note under sections 271 to 276 of this title.

§§ 280 to 280b. Repealed. July 1, 1948, ch. 791, § 4, 62 Stat. 1216

Section 280, act Feb. 3, 1879, ch. 44, 20 Stat. 281, related to headstones in private cemeteries. See, now, sections 906 and 1000 et seq. of Title 38, Veterans' Benefits.

Section 280a, act Feb. 26, 1929, ch. 324, 45 Stat. 1307, related to headstones for Confederate soldiers. See, now, sections 906 and 1000 et seq. of Title 38.

Section 280b, act Apr. 18, 1940, ch. 109, 54 Stat. 142, related to standard headstones. See, now, sections 906 and 1000 et seq. of Title 38.

§§ 281 to 282. Repealed. Pub. L. 93–43, § 7(a)(6), (8), (10) to (12), (60), June 18, 1973, 87 Stat. 82, 88

Section 281, acts May 14, 1948, ch. 289, § 1, 62 Stat. 234; Sept. 14, 1959, Pub. L. 86–260, 73 Stat. 547, enumerated classes of persons eligible for burial in national cemeteries and provided for removal of remains. Subject matter respecting persons eligible for interment in national cemeteries is now covered by section 1002 of Title 38, Veterans' Benefits.

Section 281a, act Aug. 4, 1947, ch. 467, § 1, 61 Stat. 742, provided for utilization of surplus military real property for cemeteries.

Section 281b, act Aug. 4, 1947, ch. 467, § 2, 61 Stat. 742, related to utilization of surplus military real property for expansion of existing cemeteries and limited the expanded national cemetery area to six hundred and forty acres.

Section 281c, act Aug. 4, 1947, ch. 467, § 3, 61 Stat. 742, authorized regulations respecting utilization of surplus military real property for cemeteries.

Section 281d, act Mar. 10, 1950, ch. 52, § 1, 64 Stat. 12, related to utilization of surplus military real property for cemeteries at Fort Logan, Colo.

Section 281e, act Mar. 10, 1950, ch. 52, § 2, 64 Stat. 12, provided for selection of lands, care and maintenance, and limitation of area of national cemetery at Fort Logan, Colo.

Section 281f, act Mar. 10, 1950, ch. 52, § 3, 64 Stat. 12, authorized Secretary of the Army to prescribe rules and regulations for administration of national cemetery at Fort Logan, Colo.

Section 281g, act Aug. 10, 1950, ch. 672, §§ 1, 2, 64 Stat. 434, provided for expansion of existing cemeteries at Rock Island National Cemetery, Rock Island, Illinois, Fort Leavenworth, National Cemetery, Fort Leavenworth, Kansas, and Barrancas National Cemetery, near Pensacola, Florida.

Section 282, act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 440, provided for burial of Confederate veterans.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93-43, see section 7(a) of Pub. L. 93-43, set out as a note under sections 271 to 276 of this title.

§§ 283 to 285. Omitted

CODIFICATION

Section 283, R.S. § 4879, related to the military cemetery near Mexico City, and is now covered by section 132 of Title 36, Patriotic Societies and Observances.

Section 284, R.S. § 4880, related to the regulations for the military cemetery near Mexico City, and is now covered by Ex. Ord. No. 9873, July 17, 1947, 12 F.R. 4777, set out as a note under section 132 of Title 36.

Section 285, acts Feb. 24, 1925, ch. 306, § 2, 43 Stat. 970; May 10, 1928, ch. 515, 45 Stat. 494, which authorized the Secretary of War to accept the land comprising the burial place of President Zachary Taylor, and to establish a national cemetery thereon, has been omitted as executed.

§§ 286 to 290. Repealed. Pub. L. 93-43, § 7(a)(1), (13) to (18), (42), (44) to (46), June 18, 1973, 87 Stat. 82, 83, 85

Section 286, R.S. § 4881; act Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided penalty for defacing cemeteries. Subject matter is now covered by section 218 of Title 38, Veterans' Benefits.

Section 287, R.S. § 4882, related to jurisdiction of United States upon purchase of any national cemetery with consent of any State legislature.

Section 288, acts Feb. 12, 1925, ch. 225, title II, 43 Stat. 926; Apr. 15, 1926, ch. 146, title II, 44 Stat. 287; Feb. 23, 1927, ch. 167, title II, 44 Stat. 1138; Mar. 23, 1928, ch. 232, title II, 45 Stat. 354; Feb. 28, 1929, ch. 366, title II, 45 Stat. 1375; June 30, 1954, ch. 425, § 101, 68 Stat. 331; July 15, 1955, ch. 370, title III, 69 Stat. 360; July 2, 1956, ch. 490, title III, 70 Stat. 479, prohibited expenditure of any appropriation for maintenance of more than a single approach to any national cemetery.

Section 289, act May 23, 1941, ch. 130, § 1, 55 Stat. 191, provided for conveyance to State or municipality of approach road to national cemetery. Subject matter is now covered by section 1004(f) of Title 38, Veterans' Benefits.

Section 290, act July 27, 1953, ch. 245, § 101, 67 Stat. 197, prohibited encroachment by railroad on rights of way. Subject matter is now covered by section 1004 of Title 38.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93-43, see section 7(a) of Pub. L. 93-43, set out as a note under sections 271 to 276 of this title.

CONVEYANCE TO STATE OR MUNICIPALITY OF APPROACH ROAD TO NATIONAL CEMETERY

Provisions similar to those set out in former section 289 of this title relating to conveyance to State or municipality of approach road to national cemetery, were also repealed by Pub. L. 93-43, § 7(a)(27) to (29), June 18, 1973, 87 Stat. 84. Subject matter was contained in the following prior Appropriation Acts:

June 24, 1940, ch. 415, § 1, 54 Stat. 506.
June 28, 1939, ch. 246, § 1, 53 Stat. 857.
June 11, 1938, ch. 348, § 1, 52 Stat. 668.

ENCROACHMENT BY RAILROAD ON RIGHTS OF WAY

Provisions similar to those set out in former section 290 of this title relating to encroachment by railroad on rights of way were also repealed by Pub. L. 93-43, § 7(a)(19) to (41), (43), June 18, 1973, 87 Stat. 83 to 85. Subject matter was contained in the following prior Appropriation Acts:

July 11, 1952, ch. 660, § 101, 66 Stat. 579.
Oct. 24, 1951, ch. 556, § 101, 65 Stat. 616.
Sept. 6, 1950, ch. 896, ch. IX, § 101, 64 Stat. 725.
Oct. 13, 1949, ch. 688, § 1, 63 Stat. 846.
June 25, 1948, ch. 655, § 1, 62 Stat. 1019.
July 31, 1947, ch. 411, § 1, 61 Stat. 687.
May 2, 1946, ch. 247, § 1, 60 Stat. 161.
Mar. 31, 1945, ch. 45, § 1, 59 Stat. 39.
June 26, 1944, ch. 275, § 1, 58 Stat. 327.
June 2, 1943, ch. 115, § 1, 57 Stat. 94.
Apr. 28, 1942, ch. 246, § 1, 56 Stat. 220.
May 23, 1941, ch. 130, § 1, 55 Stat. 191.
June 24, 1940, ch. 415, § 1, 54 Stat. 506.
June 28, 1939, ch. 246, § 1, 53 Stat. 857.
June 11, 1938, ch. 348, § 1, 52 Stat. 668.
July 19, 1937, ch. 511, § 1, 50 Stat. 515.
May 15, 1936, ch. 404, § 1, 49 Stat. 1305.
Apr. 9, 1935, ch. 54, title II, 49 Stat. 145.
Apr. 26, 1934, ch. 165, title II, 48 Stat. 639.
Mar. 4, 1933, ch. 281, title II, 47 Stat. 1595.
July 14, 1932, ch. 482, title II, 47 Stat. 689.
Feb. 23, 1931, ch. 279, title II, 46 Stat. 1302.
May 28, 1930, ch. 348, title II, 46 Stat. 458.
Feb. 28, 1929, ch. 366, title II, 45 Stat. 1375.
Mar. 23, 1928, ch. 232, title II, 45 Stat. 354.
Feb. 23, 1927, ch. 167, title II, 44 Stat. 1138.
Apr. 15, 1926, ch. 146, title II, 44 Stat. 287.
Feb. 12, 1925, ch. 225, title II, 43 Stat. 926.

§§ 291 to 295. Repealed. Pub. L. 86-694, § 2, Sept. 2, 1960, 74 Stat. 739

Section 291, act Mar. 4, 1921, ch. 169, § 1, 41 Stat. 1440, established a commission to make recommendations for memorials and entombments for the Arlington Memorial Amphitheater.

Section 292, act Mar. 4, 1921, ch. 169, § 2, 41 Stat. 1440, provided for a chairman and disbursing officer.

Section 293, act Mar. 4, 1921, ch. 169, § 3, 41 Stat. 1440, required specific Congressional authorization for erection of memorials and interments.

Section 294, act Mar. 4, 1921, ch. 169, § 4, 41 Stat. 1440, related to restrictions on inscriptions and entombments.

Section 295, act Mar. 4, 1921, ch. 169, § 5, 41 Stat. 1440, related to the character of the inscription.

Sections are now covered by section 295a of this title.

§ 295a. Arlington Memorial Amphitheater

(a) Recommendations of Secretary of Defense for memorials and entombments

The Secretary of Defense or his designee may send to Congress in January of each year, his recommendations with respect to the memorials to be erected, and the remains of deceased members of the Armed Forces to be entombed, in the Arlington Memorial Amphitheater, Arlington National Cemetery, Virginia.

(b) Specific authorization from Congress

No memorial may be erected and no remains may be entombed in such amphitheater unless specifically authorized by Congress.

(c) Character of memorials

The character, design, or location of any memorial authorized by Congress is subject to the approval of the Secretary of Defense or his designee.

(Pub. L. 86-694, § 1, Sept. 2, 1960, 74 Stat. 739.)

§ 296. Repealed. Pub. L. 93-43, § 7(a)(9), June 18, 1973, 87 Stat. 82

Section, act July 1, 1947, ch. 187, 61 Stat. 234, related to preservation of historic graveyards in abandoned military posts and conveyance to grantees. Subject matter is now covered by section 1005(b) of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF REPEAL

Section repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93-43, see section 7(a) of Pub. L. 93-43, set out as a note under sections 271 to 276 of this title.

CHAPTER 7A—PRIVATE AND COMMERCIAL CEMETERIES

§ 298. Repealed. Oct. 31, 1951, ch. 654, § 1(47), 65 Stat. 703

Section, act June 20, 1939, ch. 220, 53 Stat. 843, which related to disposal, by Secretary of War, of government lots in commercial cemeteries, is now covered by sections 483 to 485 of Title 40, Public Buildings, Property, and Works.

CHAPTER 8—GORGAS HOSPITAL

Sec.
301. Ancon Hospital to be known as Gorgas Hospital.
302. Change of name as affecting various rights; records, maps, and public documents.

CROSS REFERENCES

Gorgas Memorial Laboratory, see section 278 et seq. of Title 22, Foreign Relations and Intercourse.

§ 301. Ancon Hospital to be known as Gorgas Hospital

In recognition of his distinguished services to humanity and as a fitting perpetuation of the name and memory of Major General William Crawford Gorgas, the Government hospital within the Canal Zone, near the City of Panama, known prior to March 24, 1928, as the Ancon Hospital, shall after such date be known and designated on the public records as the Gorgas Hospital.

(Mar. 24, 1928, ch. 240, § 1, 45 Stat. 365.)

§ 302. Change of name as affecting various rights; records, maps, and public documents

The change in the name of said hospital shall in no wise affect the rights of the Federal Government, or any municipality, corporation, association, or person; and all records, maps, and public documents of the United States in which said hospital is mentioned or referred to under the name of the Ancon Hospital or otherwise shall be held to refer to the said hospital under and by the name of the Gorgas Hospital.

(Mar. 24, 1928, ch. 240, § 2, 45 Stat. 366.)

CHAPTER 9—HOSPITALIZATION OF MENTALLY ILL NATIONALS RETURNED FROM FOREIGN COUNTRIES

Sec.
321. Definitions.
322. Reception of eligible persons at ports of entry or debarkation; temporary care; arrangements with State or other public or nonprofit agencies; payment or reimbursement for care and treatment.
323. Tranfer and release to State of residence or legal domicile, or to relative.
324. Care and treatment at Saint Elizabeths or other Federal hospital, or at State public or private hospitals; limitation.
325. Examination of persons admitted; discharge or conditional release; notification of admission.
326. Request for release of patient; detention for care and treatment; transfer to another hospital.
327. Notification to committing court of discharge or conditional release.
328. Payment for care and treatment; compromise or waiver; investigations; judicial proceedings.
329. Availability of appropriations for transportation.

§ 321. Definitions

For the purposes of this chapter except as the context may otherwise require—

(a) The term "Department" means the Department of Health, Education, and Welfare.

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(c) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(d) The term "eligible person" means an individual with respect to whom the following certificates are furnished to the Secretary:

(1) A certificate of the Secretary of State that such individual is a national of the United States; and

(2) Either (A) a certificate obtained or transmitted by the Secretary of State that such individual has been legally adjudged insane in a named foreign country, or (B) a certificate of an appropriate authority or person (as determined in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare) stating that at the time of such certification such individual was in a named foreign country and was in need of care and treatment in a mental hospital.

(e) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital.

(Pub. L. 86-571, § 1, July 5, 1960, 74 Stat. 308.)

REFERENCES IN TEXT

"This chapter", referred to in text, was in the original, "this Act", meaning Pub. L. 86-571, July 5, 1960, 74 Stat. 308, which enacted this chapter and repealed sections 191a and 196a of this title. For complete classification of this Act to the Code, see Tables volume.

EFFECTIVE DATE

Section 11 of Pub. L. 86-571 provided that: "This Act [adding this chapter and repealing sections 191a and 196a of this title] shall, except as otherwise specified, take effect on the date of its enactment [July 5, 1960]."

§ 322. Reception of eligible persons at ports of entry or debarkation; temporary care; arrangements with State or other public or nonprofit agencies; payment or reimbursement for care and treatment

(a) Upon request of the Secretary of State, the Secretary of Health, Education, and Welfare is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon arrival from a foreign country and, to the extent he finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization pursuant to other sections of this chapter. For the purpose of providing such care and treatment and assistance, the Secretary is authorized to enter into suitable arrangements with appropriate State or other public or nonprofit agencies. Such arrangements shall be made without regard to section 5 of title 41, and may provide for payment by the Secretary either in advance or by way of reimbursement.

(b) The Secretary may, to the extent deemed appropriate, equitable, and practicable by him, (1) require any person receiving care and treatment or assistance pursuant to subsection (a) of this section to pay, in advance or by way of reimbursement, for the cost thereof or (2) obtain reimbursement for such cost from any State or political subdivision responsible for the cost of his subsequent hospitalization.

(Pub. L. 86-571, § 2, July 5, 1960, 74 Stat. 308.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (a), was in the original, "this Act", meaning Pub. L. 86-571, July 5, 1960, 74 Stat. 308, which enacted this chapter and repealed sections 191a and 196a of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 324, 325, 326 of this title.

§ 323. Transfer and release to State of residence or legal domicile, or to relative

If, at the time of arrival in the United States, the residence or the legal domicile of an eligible person appearing to be in need of care and treatment in a mental hospital is known to be in a State, or whenever thereafter such a person's residence or legal domicile in a State is ascertained, the Secretary shall, if the person is then under his care (whether directly or pursuant to a contract or other arrangement under section 322 or 324 of this title), endeavor to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for the care and treatment of such person by such authorities and shall, upon the making of such arrangement in writing, transfer and release such person to such authorities. In the event the State of the residence or legal domicile of an eligible person cannot be ascertained, or the Secretary is unable to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for his care and treatment, the Secretary may, if he determines that the best interests of such person will be served thereby, transfer and release the eligible person to a relative who agrees in writing to assume responsibility for such person after having been fully informed as to his condition.

(Pub. L. 86-571, § 3, July 5, 1960, 74 Stat. 308.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 324, 327, 329 of this title.

§ 324. Care and treatment at Saint Elizabeths or other Federal hospital, or at State public or private hospitals; limitation

(a) Until the transfer and release of an eligible person pursuant to section 323 of this title, the Secretary is authorized to provide care and treatment for such person at Saint Elizabeths Hospital, at any other Federal hospital within or (pursuant to agreement) outside of the Department, or (under contract or other arrangements made without regard to section 5 of title 41) at any other public or private hospital in any State and, for such purposes, to transfer such person to any such hospital from a place of temporary care provided pursuant to section 322 of this title. In determining the place of such hospitalization, the Secretary shall give due weight to the best interests of the patient.

(b) The authority of the Secretary to provide hospitalization for any person under this section shall not apply to any person for whose medical care and treatment any agency of the United States is responsible.

(Pub. L. 86-571, § 4, July 5, 1960, 74 Stat. 309.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 325, 326, 327, 328 of this title.

§ 325. Examination of persons admitted; discharge or conditional release; notification of admission

(a) Any person admitted to any hospital pursuant to section 322 or section 324 of this title shall, as soon as practicable, but in no event more than five days after the day of such admission, be examined by qualified members of the medical staff of the hospital and, unless found to be in need of hospitalization by reason of mental illness, shall be discharged. Any person found upon such examination to be in need of such hospitalization shall thereafter, as frequently as practicable but not less often than every six months, be reexamined and shall, whenever it is determined that the conditions justifying such hospitalization no longer

obtain, be discharged or, if found to be in the best interests of the patient, be conditionally released.

(b) Whenever any person is admitted to a hospital pursuant to this chapter, his legal guardian, spouse, or next of kin shall, if known, be immediately notified.

(Pub. L. 86-571, § 5, July 5, 1960, 74 Stat. 309.)

REFERENCES IN TEXT

"This chapter", referred to in subsec. (b), was in the original, "this Act", meaning Pub. L. 86-571, July 5, 1960, 74 Stat. 308, which enacted this chapter and repealed sections 191a and 196a of this title. For complete classification of this Act to the Code, see Tables volume.

§ 326. Request for release of patient; detention for care and treatment; transfer to another hospital

(a) If a person who is a patient hospitalized under section 322 or 324 of this title, or his legal guardian, spouse, or adult next of kin, requests the release of such patient, the right of the Secretary, or the head of the hospital, to detain him for care and treatment shall be determined in accordance with such laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than forty-eight hours (excluding any period of time falling on a Sunday or legal holiday) after the receipt of such request unless within such time (1) judicial proceedings for such hospitalization are commenced or (2) a judicial extension of such time is obtained, for a period of not more than five days, for the commencement of such proceedings.

(b) The Secretary is authorized at any time, when he deems it to be in the interest of the person or of the institution affected, to transfer any person hospitalized under section 324 of this title from one hospital to another, and to that end any judicial commitment of any person so hospitalized may be to the Secretary.

(Pub. L. 86-571, § 6, July 5, 1960, 74 Stat. 309.)

§ 327. Notification to committing court of discharge or conditional release

In the case of any person hospitalized under section 324 of this title who has been judicially committed to the Secretary's custody, the Secretary shall, upon the discharge or conditional release of such person, or upon such person's transfer and release under section 323 of this title, notify the committing court of such discharge or conditional release or such transfer and release.

(Pub. L. 86-571, § 7, July 5, 1960, 74 Stat. 310.)

§ 328. Payment for care and treatment; compromise or waiver; investigations; judicial proceedings

(a) Any person hospitalized under section 324 of this title or his estate, shall be liable to pay or contribute toward the payment of the costs or charges for his care and treatment to the same extent as such person would, if resident in the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction. The Secretary may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise or waive the whole or any portion of any claim under this section. In carrying out this section, the Secretary may make or cause to be made such investigations as may be necessary to determine the ability of any person hospitalized under section 324 of this title to pay or contribute toward the cost of his hospitalization. All collections or reimbursement on account of the costs and charges for the care of the eligible person shall be deposited in the Treasury as miscellaneous receipts. Any judicial proceedings to recover such costs or charges shall be brought in the name of the United States in any court of competent jurisdiction.

(b) As used in this section, the term "costs or charges" means, in the case of hospitalization at a hospital under the jurisdiction of the Department of Health, Education, and Welfare, a per diem rate prescribed by the Secretary on a basis comparable to that charged for any other paying patients and, in the case of persons hospitalized elsewhere, the contract rate or a per diem rate fixed by the Secretary on the basis of the contract rate.

(Pub. L. 86-571, § 8, July 5, 1960, 74 Stat. 310.)

§ 329. Availability of appropriations for transportation

Appropriations for carrying out this chapter shall also be available for the transportation of any eligible person and necessary attendants to or from a hospital (including any hospital of a State or political subdivision to which an eligible person is released under section 323 of this title), to the place where a relative to whom any person is released under section 323 of this title resides, or to a person's home upon his discharge from hospitalization under this chapter.

(Pub. L. 86-571, § 9, July 5, 1960, 74 Stat. 310.)

REFERENCES IN TEXT

"This chapter", referred to in text, was in the original, "this Act", meaning Pub. L. 86-571, July 5, 1960, 74 Stat. 308, which enacted this chapter and repealed sections 191a and 196a of this title. For complete classification of this Act to the Code, see Tables volume.